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ABSTRACT

The resource handbook contains ideas, suggestions, and resource materials for teaching about the state and local government of Oregon to students at the elementary and secondary grade levels. The guide's major objective is to assure that new voters will graduate with the necessary skills and knowledge to be confident and active participants in government at all levels. Teaching techniques suggested include questioning techniques, class discussion, research, games and simulations, community action projects, and creative art activities. The handbook is divided into four major sections, each of which is organized around one of the following political science concepts: (1) The function of government is made increasingly difficult due to the rapidity and intensity of change in modern American society. (2) Governmental units are supported by an orderly procedure of self-taxation. (3) Government must respond to change, and in a democracy the nature and direction of governmental response to change is conditioned by the extent of popular participation in political processes. (4) State and local governmental units are created and altered to meet specific needs of the people within those units. Although the guide specifically treats government in Oregon, it can serve as a model for local government teaching in other states. (Author/RM)

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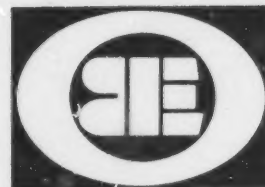
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government in Oregon



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government in Oregon

TEACHERS' RESOURCE HANDBOOK ON STATE AND LOCAL GOVERNMENT

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introduction

When this country lowered the voting age to 18, it provided its schools and community colleges with a challenging opportunity to assure that new voters will graduate with the necessary skills and knowledge to be confident and active participants in government at all levels.

It is probably true that the average Oregon citizen today knows far more about the national government, whose headquarters is centered 3,000 miles away, than he does about the units of government that serve him on the local level.

Teachers have easy access to educational materials designed to explore all facets of the federal government; however, appropriate information for the study of state and local government has not been readily available. Textbooks on government invariably include sections on state and local government, but because of the diversity of political structures existing on the local level in this country, most published material for schools is general and therefore not very satisfactory in terms of helping

students understand their immediate political environment. The task of gathering relevant information from a number of sources, putting it into perspective, and fitting it into the curriculum is simply too time consuming for the classroom teacher to attempt.

To help with the first two steps of the process, the information in this handbook has been organized around four key political science concepts that stress interrelationships between units of government. Related concepts have been identified to give specific grade level substance to the larger concepts. These are located on page v.

Beyond the organization of the information to facilitate the acquisition of knowledge was the concern that such knowledge be applied in practical learning experiences. Thus, accompanying each major section of the handbook are suggested teaching strategies called "lines of inquiry" and "action ideas." These are designed to help teachers carry the learner beyond memorization of facts into application-type activities which emphasize involvement.

Many resources for direct classroom use are included in the handbook, and teachers are encouraged to duplicate any of the numerous graphs, charts, quotations, extracts, cartoons, questionnaires, instruments of analysis, etc., that they deem useful. To facilitate this,

looseleaf copies of the handbook are available.

For upper grade students, much of the supporting information may also be appropriate for direct classroom use, but it should be kept in mind that this is a resource handbook, *not a textbook or unit of study*. It is the teacher's responsibility to exercise professional judgment regarding direct application of the supporting information.

As a final note, the people involved in creating this handbook do not consider it a finished product. Continuous updating of information will, of course, be

necessary as changes in government are made. But beyond this, feedback is needed regarding the efficacy of the action ideas and the organizational pattern employed for the supporting information.

To facilitate useful revision, teachers using *Government in Oregon* are encouraged to communicate their successes, failures, and additional needs to Marko Haggard, Director, Task Force on Citizenship Education, Oregon Board of Education.

Dale Parnell
Superintendent of Public Instruction

acknowledgments

Publication of a resource handbook such as this one would be impossible without the full cooperation of government agencies at all levels, and generous contributions of time and expertise by many individuals in and out of government.

Special recognition is given to the members of two committees who made extensive and invaluable contributions to the handbook. A writing committee, which met for several weeks during the summer of 1969, under the direction of Julius Bialostosky, former Social Studies Specialist with the Oregon Board of Education, identified the basic concepts to be developed and the basic information to be included. Members of this committee included Miss Lois Rice, Social Studies Teacher at Adams High School in Portland; Mrs. Ardyth Sedger, Research Analyst, Marion County Intermediate Education District; Marvin Covey, Assistant Superintendent, Marion County IED; and Clive McDonald, Social Studies Teacher, Cottage Grove High School. It was this committee, with the special assistance of Miss Rice, who developed most of the "action ideas" for

teachers and prepared the first drafts of the handbook.

An advisory committee, which provided guidance and expertise at several points during the preparation of the handbook, included:



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James Ylvisaker, former Social Studies Specialist, created and organized the teaching suggestions and located and adapted the suggested resource materials.

All materials were reviewed by Mr. Ylvisaker; Wilma Nance, Citizenship Education Specialist; and Marko Haggard, Director, Task Force on Citizenship Education, Oregon Board of Education.

Art work and graphic design are the work of Glenn Scott and George Sample.

Research, synthesis, and organization of the supporting information was done by Mrs. Evelyn Gunter, Curriculum Publications Specialist.

overview of concepts

MAJOR CONCEPT I

GOVERNMENT HAS BECOME THE CHIEF SOCIAL INSTITUTION CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE STABILITY OF SOCIETY. THIS FUNCTION IS MADE INCREASINGLY DIFFICULT DUE TO THE RAPIDITY AND INTENSITY OF CHANGE IN MODERN AMERICAN SOCIETY.

RELATED CONCEPTS

The following generalizations can and often will be "discovered" by students as the major concept is developed through use of the suggested "lines of inquiry" and "action ideas."

Primary

- (1) Our government was formed to help everyone enjoy the same rights.
- (2) Political systems must change in order to survive.
- (3) If a political system cannot meet the needs of

people, it may be changed peacefully or through force.

(4) Being a good citizen begins at home and at school. It means helping make rules and assuming responsibility for one's actions.

(5) People need rules in the home and in the community.

(6) Successful group living calls for cooperative planning, sharing of responsibilities, and consideration for others.

Intermediate

(1) Government in the United States is based on the idea that all citizens have equal rights under the law.

(2) Every community needs some form of government to make and apply laws.

(3) Laws sometimes compel us to do things against our will (e.g., pay taxes, serve in the Army.)

(4) A man who violates the law is subject to punishment.

(5) To remain stable a political system must solve problems.

(6) In order to solve problems effectively, government must predict needs and plan ahead to meet them.

(7) The needs of society change with the growth of its technology.

(8) As society grows more complex, the power and responsibilities of government grow.

(9) The political structure reflects the values of a society.

Junior High

- (1) Government in the United States is grounded in democracy; that is, it exists to serve people, not the reverse.
- (2) Institutions tend to persist in their original form, or at least to change slowly and reluctantly.
- (3) Socialization is the process by which the individual learns the social and cultural requirements of society. Socialization is very important in shaping the individual's personality.
- (4) Subculture groups often establish norms of behavior which may be alien or antagonistic to the larger culture.
- (5) Discrimination has prevented some minorities from achieving upward vertical mobility.
- (6) The population of the United States is rapidly becoming urban.
- (7) Technological developments tend to hasten social change.
- (8) Using modern science and technology, men hope to solve many of the problems of living together.

High School

- (1) Laws, while reflecting political decisions, must be constitutional both in their substance and in the way they are applied and enforced.
- (2) In a political system in which popular sovereignty is basic, minority groups are frequently placed at a disadvantage by majority groups. A fundamental task of government is to protect the rights of such minorities from infringement by majorities.
- (3) People tend to accept technological changes more readily than changes in the nonmaterial aspects of their culture. This creates social problems and even crises that can be overcome by cooperative effort.
- (4) Urbanization, industrialization, and migration are bringing about changes that are creating new problems that demand critical analysis by informed citizens.
- (5) Problems are the price of progress, and progress generally involves struggle. Failure to solve its problems may lead to disintegration of a society.
- (6) People sometimes rebel against their government when it neglects the welfare of the people and frustrates their desire for a better life.
- (7) In modern western systems the functions of government are usually carefully differentiated and specialized.
- (8) Governmental bodies have influence in determining the demands which nongovernmental groups make upon government.
- (9) The kinds, productivity, and strength of political units and their spatial arrangements and relationships change in time. Such changes involve changing ideas, changing numbers and arrangement of people, and changing appraisals and uses of locations and resources.
- (10) Governmental units are created for specific purposes and thus tend to produce fragmented approaches to broad social problems. Achieving the necessary intergovernmental cooperation to meet the current and future needs of people in contemporary society is a major problem for the 1970's.

MAJOR CONCEPT II

GOVERNMENTAL UNITS ARE SUPPORTED BY AN ORDERLY PROCEDURE OF SELF-TAXATION.

RELATED CONCEPTS

The following generalizations can and often will be "discovered" by students as the major concept is developed through use of the suggested "lines of inquiry" and "action ideas."

Primary

- (1) People pay for the services of local governments by taxing themselves, or paying charges and fees.
- (2) Governmental units hire workers and pay them with money acquired through taxes, charges, or fees.
- (3) What services government should provide and what services private groups should provide is a constant problem for society.
- (4) The people have to decide how high they want their taxes to be and what kind they want to pay.

Intermediate

- (1) Individuals pay for public goods and services largely through taxes, sometimes through charges and fees.
- (2) Governmental units tax in order to have money to operate and to provide services.
- (3) Deciding who is to be taxed for what is a question that causes political conflict.
- (4) When the pioneers felt a need for public services, they formed governments to provide some of these services and they taxed themselves to pay for them.
- (5) Our modern system of government is larger, more complicated, and more expensive than that of the pioneer period, but it provides more goods and services to the people.
- (6) Increases and decreases in amounts of tax money collected affects the quality and the kinds of services provided by governmental units.

Junior High

- (1) Provision is made for governmental expenditures at all levels of government (national, state, local) through the budgeting and appropriation of funds.
- (2) As the demands for government services increase, the need for money to finance the delivery of these services also increases.
- (3) Most state and local governmental units are finding it difficult to provide adequate funds for government services and are seeking additional sources of revenue.
- (4) There is an increasing tendency to seek financial aid from the national government to finance local and state needs.
- (5) Since taxes cut down the amount of money families can spend on themselves, governmental units have the responsibility to make wise choices in spending tax monies.
- (6) Being part of an interest group often determines one's attitude toward questions of revenue collection and disbursement.

High School

- (1) The growing struggle for the tax dollar on the part of various units of government underscores the apparent scarcity of public resources.
- (2) State and local governmental units have come to depend on federal tax money for some programs and this trend will probably increase in the future as new forms of revenue sharing are worked out by Congress.
- (3) The kinds of taxes used by various governmental units should meet the tests of fairness, equity, and convenience; but in practice tend to reflect both this criteria and the political struggles among interest groups to effect advantages for themselves.
- (4) Since taxes withdraw money from the private sector's flow of spending and saving, governmental units have the responsibility to make wise choices in spending what they withdraw.
- (5) Government influences the allocation of resources in the private sector through its taxing and spending policies.
- (6) Changes in the tax structure may move the burden of taxation from one class or group of citizens to another.

MAJOR CONCEPT III

GOVERNMENT, LIKE ALL INSTITUTIONS OF SOCIETY, MUST RESPOND TO CHANGE, AND IN A DEMOCRACY THE NATURE AND DIRECTION OF GOVERNMENTAL RESPONSE TO CHANGE IS CONDITIONED BY THE EXTENT OF POPULAR PARTICIPATION IN POLITICAL PROCESSES.

RELATED CONCEPTS

The following generalizations can and often will be "discovered" by students as the major concept is developed through use of the suggested "lines of inquiry" and "action ideas."

Primary

- (1) Government must adjust to changes in society. It does so through the process of politics.
- (2) Politics is people attempting to influence government decisions.
- (3) Many groups outside government participate in the political process.
- (4) Conflict and cooperation are found at all levels of human organization.
- (5) Good citizenship requires active participation in politics.
- (6) Voting is a part of active citizenship.
- (7) Citizen groups in a community can work together to bring about a desired change.
- (8) People working together are more effective when they respect the feelings and needs of all individuals.
- (9) Voters delegate authority directly to the elected officials and indirectly to appointed officials.
- (10) The family is a major instrument for molding one's viewpoint on practically all important issues of everyday life.

Intermediate

- (1) Changes in government are brought about through political processes. Therefore units of government are thought of as political systems.
- (2) Political systems must change to remain stable.
- (3) There are different ways to choose leaders.
- (4) Politicians may have different standards of conduct and ways of interpreting what the public needs and wants.
- (5) Popular control of government is based on popular participation in the political process. Voting is fundamental, but there are many other ways of participating in the political process.
- (6) In a democracy the people have the right to reform, alter, or change their government.
- (7) People working in groups and through various governmental agencies can assist all levels of government and increase the efficiency of operation.
- (8) Societies are generally more successful when the people share in the responsibilities.
- (9) A democratic society, or group, is one in which opinions are freely expressed and where the rights of all are respected.

Junior High

- (1) Majority acceptance of a political system is necessary for it to be effective.
- (2) Power may corrupt.
- (3) In a democracy, the people through action or inaction ultimately determine whether and how government is altered.
- (4) The organization, regulation, and administration of governmental units are the concerns of active citizens. Engaging in politics is a necessity in a democracy.
- (5) Social movements must become politically powerful to cause changes in the culture.
- (6) Every effort at reform began as the private opinion of an individual.
- (7) Compromise is the normal process for resolving group conflicts in a democracy. If compromises cannot be reached, revolution or civil war may result.
- (8) Societies require a system of social control in order to survive. Social control depends on both codified and informal rules and processes. The dominant values of the society determine the kinds and extent of social control.

High School

- (1) People need to be able to differentiate between fundamental change and superficial change in a political system.
- (2) Evolutionary change may progress through basic reforms.
- (3) The United States political system has changed through constitutional amendment, new laws, and unwritten customs.
- (4) The assumption in a democracy is that the power exercised by governmental units resides ultimately in the people.

- (5) Powerful groups, institutions, and traditions often oppose change.
- (6) Every policy (including doing nothing at all) involves certain risks. Rational and objective consideration of alternatives reduces the possibility of error.
- (7) Organized interest groups have developed effective ways for transmitting their demands to political structures such as political parties, legislatures, and bureaucracies.
- (8) Members of any state legislature usually represent a number of varied and conflicting interests, making any legislative decision a compromise between those interests.
- (9) Appointed officials operate under broad policies set by elective officials.
- (10) Active, alert people working cooperatively through established political parties, pressure groups, or societies have been able to make the government conform to their desires, or have established a new government to meet their needs.

MAJOR CONCEPT IV

STATE AND LOCAL GOVERNMENTAL UNITS ARE CREATED AND ALTERED TO MEET SPECIFIC NEEDS OF THE PEOPLE WITHIN THOSE UNITS. THE FORM AND FUNCTION OF THESE UNITS ARE DETERMINED BY CONSTITUTIONAL LAW AND TRADITION AS WELL AS BY NEED.

RELATED CONCEPTS

The following generalizations can and often will be "discovered" by students as the major concept is developed through use of the suggested "lines of inquiry" and "action ideas."

Primary

- (1) Pupils and teachers working together can agree upon classroom rules and develop projects that will be meaningful and beneficial to all the children.
- (2) Some authority is divided between the home and the school.
- (3) School, fire department, police department, and other governmental agencies were developed by man to promote his welfare.
- (4) City hall, town hall, or village hall are the homes of community government.
- (5) Local forms of government can vary from community to community within the state as well as from county to county.

Intermediate

- (1) Government is necessary for the survival of any given society of all cultures, but its form may vary from place to place.
- (2) Oregon's government, housed in Salem, evolved under the terms of the Northwest Ordinance until the state was created.
- (3) The Oregon Constitution is the basic law of the state.

The Constitution gives the legislature the power to enact other state laws.

- (4) There is an interrelationship between local and state government as well as between the state and the national government as it tries to meet the needs of the people.
- (5) In our society, political powers are divided among many political institutions.
- (6) All cultures have systems of law to promote order, and as the society becomes more complex it requires and develops more laws.
- (7) As societies become more complex and technology more advanced, there is some need for larger and larger governmental units.
- (8) There are state laws as well as community rules and regulations. People cannot live or work together without laws.
- (9) Governmental units help people to do what they cannot do for themselves.
- (10) Families who live in the same area have many similar needs and work together to fulfill them.
- (11) In a democracy, government is the servant of people; people are not the servants of the government.

Junior High

- (1) Government is necessary in any society for its survival.
- (2) The primary needs of man are the same, and from their interaction they continuously organize and associate in groups.
- (3) In any society, citizens are expected to submit to the authority of the law.
- (4) In our society, political powers are divided among many political bodies.
- (5) Sometimes the public interest must be considered more important than the protection of individual freedom.
- (6) Local forms of government can vary from community to community within the state as well as from county to county.
- (7) As societies grow and their cultures become more complex, their laws and institutions also become more complex as well as more numerous.
- (8) People have established various kinds of government to maintain law and order in their respective countries.
- (9) A government must be strong, yet remain flexible enough to make changes when the people demand changes.

High School

- (1) Government is an institution to serve society, and, therefore, the demands it makes upon its citizens will vary.
- (2) As our standard of living has risen, our needs and wants have increased, and so have our ways of satisfying them.
- (3) As industrialization proceeds, the number and kinds of regions needing public services that may be identified tend to increase and the regions change in size.

(4) The choice to form a particular political unit may mean sacrificing one desirable goal for another.

(5) The functions of governmental units are usually differentiated and specialized, but, due to the problems of growth and change, intergovernmental cooperation is a necessity.

(6) The process of judicial review helps make the government one of laws and not of men. This has also allowed social change to take place within constitutional constraints.

(7) Technological progress has advanced at a faster rate than social progress.

(8) Laws and the process of decision-making differ under various forms of government.

(9) In all governmental units there are three components: rule-making, rule-enforcing, and rule-interpreting. These three functions tend to overlap and cannot be strictly separated.

STUDENT PREPARATION FOR CITIZENSHIP*

What can one say generally to students interested in preparing for citizenship? The following suggestions are perhaps thought of best as the points of departure for discussion:

1. Prepare yourself to be a contributing citizen; take all the education you can absorb and the community will provide; develop toward a socially useful career at the highest level of skill of which you are capable.
2. Join a political party or other political group—many of them have special clubs for young people; inform yourself about the structure of government and keep yourself continuously informed about the issues; of course, register and vote when the time comes.
3. Most difficult of all, act for what you believe. Don't be afraid to ask questions about public business in public meetings. Don't hesitate to put forward your own proposals for solutions to public problems, when you have thought them through. At times the only responsible thing to do is to protest.
4. Specialize. Within your club or other political group, be the one who is expert on agriculture, space, disarmament, civil rights, labor, foreign commerce, or some other subject of particular concern to you. Become familiar with sources of information you can trust. No one can be expert on all the issues mentioned on the front page of a good metropolitan newspaper. By dividing the intellectual labor, your group can keep itself informed.

Because modern life is complex, we have become accustomed to thinking that the individual can do nothing, and that he cannot know the right course for the society. We have become diffident, apathetic. It is helpful to remember that if we as individuals feel strongly about something, the chances are quite good that many others will feel the same way. In the words of Supreme Court Justice Louis D. Brandeis: "Do not compromise with evil. Be sure you are 51 percent right, then act." Remember—democracy calls for intelligence, good will, patience, and courage. No other way of life demands so much from so many, but none other holds the same promise of prosperity and freedom.

*Tillett, Paul, "Teaching and Creative Citizenship," in *Political Science and the Social Studies*, 36th Yearbook of the National Council for the Social Studies, 1966.

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major concept 1

GOVERNMENT HAS BECOME THE CHIEF SOCIAL INSTITUTION CHARGED WITH THE RESPONSIBILITY OF MAINTAINING THE STABILITY OF SOCIETY. THIS FUNCTION IS MADE INCREASINGLY DIFFICULT DUE TO THE RAPIDITY AND INTENSITY OF CHANGE IN MODERN AMERICAN SOCIETY.

Government is the one social institution that cuts across the spheres of activity of all others and therefore determines the context within which our private lives are lived. If society is suffering anxiety and tension symptomized in increasing polarization and confusion over national goals, the challenge to put things right is largely on the shoulders of government.

Change is, of course, the major disorienting factor of modern life. Alvin Toffler, in *Future Shock*,* describes the problem:

"Take an individual out of his own culture and set him down suddenly in an environment sharply different from

his own, with a different set of cues to react to—different conceptions of time, space, work, love, religion, sex, and everything else—then cut him off from any hope of retreat to a more familiar social landscape, and the dislocation he suffers is doubly severe. Moreover, if this new culture is itself in constant turmoil, and if—worse yet—its values are incessantly changing, the sense of disorientation will be still further intensified. Given few clues as to what kind of behavior is rational under the radically new circumstances, the victim may well become a hazard to himself and others.

"Now imagine not merely an individual but an entire society, an entire generation... suddenly transported to this new world. The result is mass disorientation, future shock on a grand scale.

"This is the prospect that man now faces. Change is avalanching upon our heads and most people are grotesquely unprepared to cope with it."

The nature of the challenge for government is succinctly and forcefully put by Clinton Rossiter, writing in *Goals for Americans: The Report of the President's Commission on National Goals*:*

"...time and space are both closing in on us. More and more decisions must be made quickly or go by default, be made correctly the first time on the assumption that there may be no second... And so the fateful question is put to us directly: Can democracy be active, at times even breathlessly active, and remain democracy? Can it be tough without being cruel, alert without being officious, effective without being overbearing, authoritative without being authoritarian?"

Part I explores the challenges faced by our state and local governments in Oregon.

*Toffler, Alvin. *Future Shock*. Random House, Inc., New York, N.Y. 1971.

*Rossiter, Clinton. "The Democratic Process," in *Goals for Americans: The Report of the President's Commission on National Goals*. The American Assembly, Prentice-Hall, Inc., Englewood Cliffs, New Jersey. 1960.

lines of inquiry

Because Oregon encompasses at least three different kinds of populations in terms of economy, political philosophies, and governmental problems, students need to investigate how regional characteristics are reflected in the performance of local governments and exert considerable influence on political decision making at the state level.

2

action ideas

Thought provoking questions which could be used for research activities, role playing, discussion, etc.:

- (1) Does weather affect politics?
- (2) Are Eastern Oregon wheat farmers and coastal fishermen likely to have more differences than similarities in their viewpoints regarding political issues? On what major concerns would they be likely to agree? Disagree? Why?
- (3) Are urban areas the only ones experiencing serious social problems?
- (4) Does increasing social mobility have anything to do with increasing or decreasing political tensions in various regions? How?
- (5) If you wanted a complete change in your way of life, to what part of Oregon would you move?

Resources

Write to the Reference Section, Oregon State Library, Salem, Oregon 97310, for a bibliography of books and pamphlets about Oregon culture and society, including a list of fiction. Ask for *Read About Oregon*, supplement 1959-1963.

District Facts, Program Planning Division, Oregon Executive Department, 320 Public Service Building, Salem, Oregon 97310, 1970.

Dicken, Samuel N. *Oregon Geography: the People, the Place, and the Time*. Edwards Brothers, Inc., Ann Arbor, Michigan. Surveys climates, vegetation, physical characteristics, urban-rural settlement patterns, land use, and prevailing industries in each of nine geographic areas. 1965.

supporting information

oregon's

Oregon—as Julius Caesar's Gaul—can be divided into three parts.

It was thus when the pioneers came; and it will be so in 1971 and the years following, in spite of freeways, rails and planes, and population booms or busts. Nature made the divisions, and Man is more wont to enjoy them than disparage them. . . .

Oregon clearly has three faces: the Coast, the Willamette Valley, and Eastern Oregon. And the state is fragmented into many subdivisions.

What divides the state is mountains. And what makes each zone a world of its own is climate and its particular socioeconomic structure.

In all except Portland and the population slot down the Willamette Valley, Oregonians enjoy isolation. Their Oregon is a world apart from the urban-oriented social problems that are suffocating the nation and threaten Portland.

Similar to the Indian who was driven from it, dwellers of the forest, mountain, or sage are tied spiritually to the land.

Perhaps nowhere is the spiritual union with the land felt more than at land's end.

Those who live where the sea begins see white magic in the ghostly fog that hides the headlands and covers the

*Excerpts from an article by Web Ruble, Staff Writer, *The Oregonian*, January 10, 1971.

diverse heritage*

towns. And although the ocean-born mist penetrates to the very marrow of old bones, it soaks some mystery into what otherwise would be dreary lives.



Coast dwellers are enduring. They have seaweed in their gizzard and kelp in their craw. Tough, barnacled hands haul in gillnets of fish. Rough weather-worn faces of mariners face the raw wind, and salt air swells arthritic joints. . . .

Salmon, razor clams, cranberry bogs bring in the money. So do liquor sales, logging, lumber-milling, short-log hauling, and tourists. The tourist industry is urbanizing the shoreline with a myriad of condominiums and land developments, a concern of many residents in 1971. Some say the industry is scarring the land. Others say tourist dollars are putting some zip into what could be a down-and-out economy. Tourists during the summer pump millions of dollars into coastal coffers, but depart with the fall rains.

People who have homes with splendid views from ocean bluffs are well heeled. But many choose to live along the sea though the living is poor. They are content to fish for steelhead, salmon, and sturgeon in the tidewater streams and to tramp the sandspits, backbays, and swamplands that indent the coastline.

Cross over the Coast Range and enter Oregon's second world—the Willamette Valley.

Call it Oregon's main street. It is the state's

heartland. Nearly 80 percent of the state's population is housed in the region walled by the Coast Range and the Cascade Mountains.

It has the money, industry, and the tempo of the rest of the nation. It has the state capital, three major universities, and a dozen historic, privately endowed universities and colleges.

Portland, the state's largest city; Salem, the capital; and Eugene, Oregon's second largest and



a fast growing community in the Northwest, run from north to south down Oregon's slot. The region continues through the hills, valleys, and canyons of Southern Oregon. Lumber camp and farm communities dot the landscape. Medford near the south end is Oregon's fifth largest city, and Ashland just north of the California line has become an international cultural center with its now famous Shakespearean Festival.

Oregon's second face also is wet. Bright lights glisten on the wet pavements of Portland's Broadway and Eugene's new mall.

In the summer the weather can be hot. And because of high humidity, it can be as miserable at 85 degrees as at 110 in Oregon's high desert.

Slicing up from the docks and down the gorge, cold winds hammer Portland into a shivering whimper during most winters. And the city can get enough snow to drive former Dakotans back to the subzero prairies. But it is unpredictable.

lines of inquiry

action ideas

Local History. Students might tape record interviews with community residents old enough to remember and describe what life was like many years ago. The persons interviewed can be asked to compare early city or county government and to describe generally what life was like and the changes that have taken place. Students can edit the tapes for a presentation to the class.

Or, students might write a composition entitled, "Why I Am Proud of My Community," mentioning features such as outstanding citizens, new buildings, unusual history, beautiful buildings, beautiful townsites, nature of the people, personality of the town, etc.

Resources

Riker, W.H., *The Study of Local Politics*. Random House, New York, N.Y. 1965.

Living in Lane County: A Guide. (A case study of one county) Lane Intermediate Education District, 648 Pearl Street, Eugene, Oregon. 1969.

McArthur, L.A. *Oregon Geographic Names*. Binford & Mori, Publishers, 2505 SE 11th, Portland, Oregon 97242. 1952. \$15.

supporting information



Some winters there is no snow at all. . . .

During the day, you can hear the pile-driving construction men as they nail together still another span over the Willamette River, which already is crossed by nine Portland bridges.

Portland also has some of the same urban, social and racial problems as Chicago, San Francisco, and Detroit. But most of the rest of the state is relatively insulated from them.

Like vintage wine from fine old kegs, the Willamette Valley has a rich heritage. It is the cradle of Northwest history. Settled by stern-jawed, wagon-train-hard men of religious fervor, the valley became a well-churched colony in the 1840s. Because the valley was so lush and green, farmers followed. Towns grew where numbers congregated. Some of them became cities. Others lost prominence, but remained

as solid communities.

The Willamette Valley is what visitors call Oregon—though it merely is one face of it. After World War II, the valley became a mecca for persons tired of the population crush in the East and harsh winters in the Midwest.

From California came more. And from the south came still others. Oregon, as a result, has emerged a melting pot of other regional expatriates, and exists today as a cross-section of America.

But life remains suburban in the valley. Its residents still enjoy the outdoor life. They are not far from the sea and close to the rugged, wilderness-footed Cascade Mountains.

Cross them and you enter Oregon's third world.

This harsh canyon-carved, saged, rim-rocked, pine-treed, alkaline high country covers two-thirds of the state. It is higher and drier than the

of the high country the soil is poor for farming. You can expect snow flurries in October. And sometimes the white crust doesn't crack and melt until late April.

Summers are hot, dusty. People are separated by distance. Harshness is reflected in the rawhide-tough faces of the rural people. Some have abandoned the high country because they could not scratch a living. Young folk often leave because opportunity is limited.

Others have found a way to stay in the country where change comes slow and urban problems are still a planet away and very unreal.

Eastern Oregon was settled a little later than the Willamette Valley, and by fevered, brawling men seeking fortunes.

From the plains and California they came: scarred, horse-backed, pack-trained, and bare-knuckled. Gold, silver and black jack brought

5

The article by Web Ruble, which was written for esthetic as well as descriptive purposes, gives the impression that regional differences are very pronounced. However, there is another perspective which sees many critical social problems transcending natural geographic boundaries. For example, "urban-oriented social problems" are not confined to Portland and the Willamette Valley.*

(1) The highest rate (per 1,000 population) of persons receiving welfare payments in 1968-69 was in Malheur and Josephine counties.

(2) The highest rates (per 100,000 population) of first admissions to psychiatric hospitals in 1968-69 were in Umatilla and Lincoln counties.

(3) The highest rates (per 100,000 population) for suicides in

1968 were in Baker and Jefferson counties.

(4) The highest rate (per 100,000) of reported syphilis cases in 1968 were in Morrow and Crook counties.

(5) Multnomah and other valley counties traditionally have lower unemployment rates than much of Oregon.

(6) The worst housing conditions are normally found in the rural sections of the state.

(7) The lowest average income in 1967 was reported for Wallowa and Wheeler counties.

(8) The death rate (per 100,000 population) in 1968 was far above the state average in Clatsop, Lincoln, and Tillamook counties; the rate of infant deaths (per 1,000 live births) in 1968 was above the state average in Clatsop, Coos, and Curry counties.

other Oregons, and has four seasons. The atmosphere is clear in summer, crisp in winter, and life is invigorating.

In some areas you can chip early-morning ice off your auto windshield on the 4th of July, and eight hours later swelter in 80-degree heat. Many summer days see 100 degrees.

Except for the wheat fields that roll to endless horizons through Pendleton and beyond, economy in Oregon's third world is not booming.

Eastern Oregonians are similar to Coast dwellers: many of them live richly, though they are not rich. Like the comber who gets a lift from watching the breaking surf, the Eastern Oregonian finds spiritual meaning in the loneliness, isolation and even desolation of the rugged country.

Cold are the winters and the starry summer nights. Growing seasons are short. And in much

them to The Dalles, Canyon City, Baker City and Sumpter. Some hit it rich. Others busted.

While the miner was roaring down the shanty runs of Sumpter and John Day valleys and Baker County, rampaging cattlemen thundered across the endless sage of Southeastern Oregon.

From the night riders and range wars emerged land barons and a sizable cattle industry. From the miner's pan came but a colorful nugget in Oregon history and a dozen legends.

If you listen carefully to the sands whispering through the raw, warped boards of a certain ghost town, they say, you can hear the sobbing of a miner who lost his buckboard and daughter in a game of cards. It swells on the wind and stops—just as suddenly as the gold and saloon clangour vanished 100 years ago.

It was thus in 1871. It will be so in 1971.

It is Oregon.

*Source: Donald N. Johnson, Associate Director, Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon

lines of inquiry

An examination of population shifts now under way in Oregon will provide a basis for understanding corresponding political power shifts, as well as the major problems facing Oregon in the decade ahead.

action ideas

Debate. One controversial aspect of population growth in Oregon is immigration. Organize debate on the question: Should the state seek to attract new residents?

Research. Population trends in Oregon indicate that there will be heavier concentrations of people in urban areas in the future. Students may wish to explore the effects of such concentrations of people in terms of its effect on human behavior.

supporting information

more

Oregon was among those states that had big population increases from 1960 to 1970. Approximately half of this growth was from immigration—new residents.

Approximately six million people live in the Pacific Northwest at the present time and about one-third of them reside in Oregon. According to an ambitious study of the economic development of the Pacific Northwest over the next 20 years by the Bonneville Power Administration:

(1) Oregon will have a population of nearly 2.9 million by 1985 (Center for Population Research and Census predicts 2.4 million). This will be an increase of 46 percent over 1965. By way of comparison, Washington's population is expected to increase by 50 percent, California's by 66 percent, and the nation's by 37 percent.

(2) Oregon and Washington will absorb some 110,000 people from Idaho and Montana.

(3) During the next 20 years, state and local government in Oregon must provide facilities and services for an additional 900,000 persons. (Bureau of Census estimates 519,000 in 15 years.)

(4) During the last decade four cities had population increases

Students may benefit from focusing on questions such as: What attracts people to cities? Why do people move to suburbs? What reasons can be given to explain the shifts shown on the chart on pages 8 and 9?

Resources

Brown, Harrison, "After the Population Explosion," *Saturday Review*, Volume LIV, No. 26, Saturday Review, 380 Madison Avenue, New York, N.Y. 10017, June 26, 1971.

1970 Census of Population: Oregon General Population Characteristics, United States Department of Commerce, Bureau of the Census, Washington, D.C. 20233, January 1971.

The Crowd. Film: 20 minutes, black and white, grades 7-adult. What happens to man as he joins a large autonomous group. **\$4.50.

USA: Seeds for Change. 30 minutes, black and white or color, grades 7-adult. Discusses population problems in the U.S. **\$5.

The Banquet of Life. Film: 60 minutes, black and white. Man's efforts to feed his ever-increasing numbers. *\$12.

Oregon Country and Oregon Counties. Oregon Historical Society, Portland, Oregon. 50 cents. (A map series)

Students will find these three books useful as an introduction to the population crisis (intermediate through junior high):

Population Control: Whose Right to Live. Public Issues Series. American Education Publications, Education Center, Columbus, Ohio 43216. \$.40.

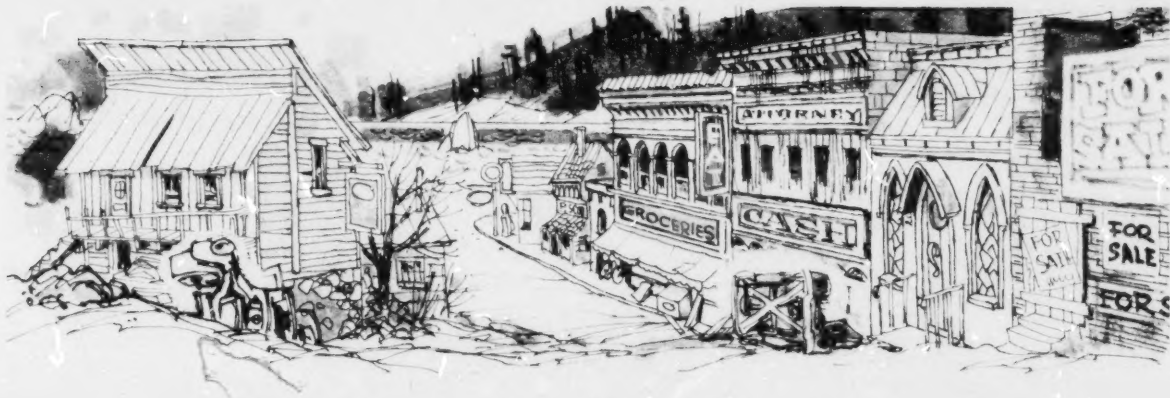
Cook, Robert C., *People: An Introduction to the Study of Population*, Population Reference Bureau, Columbia Books, Washington, D.C. 1968. \$1.50 (paperback)

Pringle, Laurence. *One Earth, Many People*. Macmillan Company, New York, N.Y. 1971. \$4.95 (hard cover).

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 151, Corvallis, Oregon 97331.

people are coming



exceeding 100 percent: Beaverton and Gresham in the Portland area; Monmouth, located near Salem; and Woodburn, situated between Portland and Salem.

(5) Twenty-six towns and cities of 1,000 inhabitants or more experienced a population growth in excess of 50 percent. All but six of those cities lie within the Willamette Valley and all 26 are located in the western third of the state.

(6) Twenty-two towns and cities in Oregon lost population. Ten of those towns were located on the Oregon coast from Astoria down to Brookings. The rest were scattered throughout the state.

(7) In 1970, 67 percent of all Oregonians were urban dwellers and by 1985, the Puget Sound-Willamette Valley trough will be a virtually unbroken chain of urbanized centers—in some cases, barely separate or distinguishable from one another. It will contain at least five SMSA's* (Medford will be added to Salem, Seattle, Portland, and Eugene), even though it

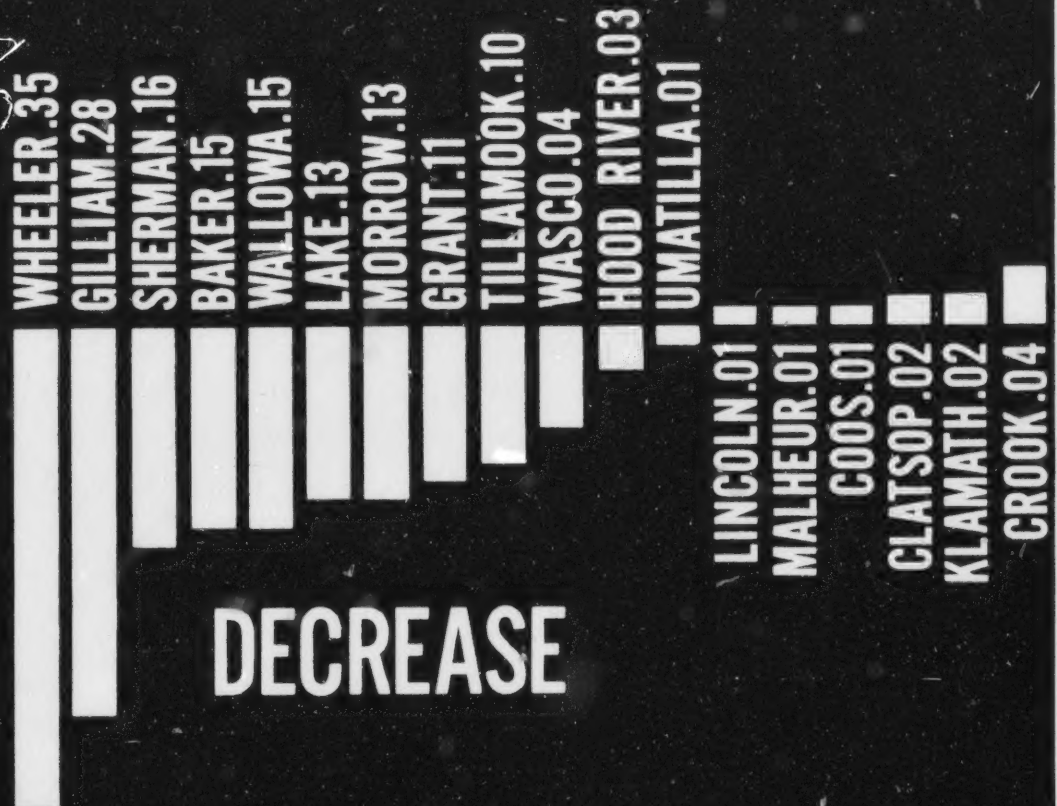
occupies only ten percent of the land space of the region.

(8) Multnomah, Clackamas, Washington, and Clark (Washington) counties, comprising the Portland SMSA, will have about 1,300,000 people by 1985. These counties will have the greatest rate of population growth, followed by Lane, Jackson, and Marion counties. A high density of population per square mile will tend to limit population growth in Multnomah County, but this may be offset in part by a trend toward highrise apartments, bringing people back into the city. In addition, increasing transportation problems, reconsideration of land use, and economic conditions will slow the flight to suburbia.

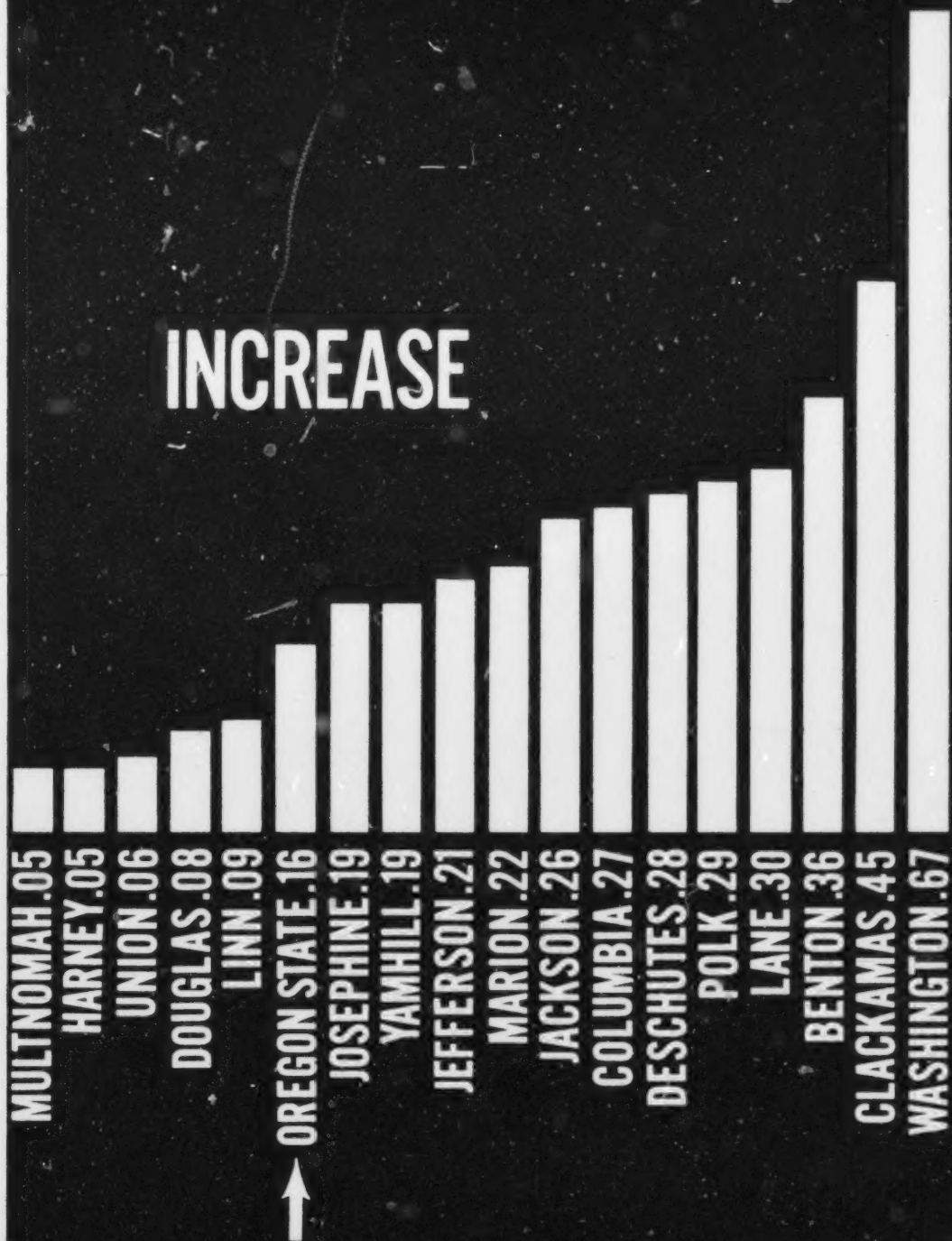
(9) Although by 1980 at least 70 percent of our population will be considered urban, when the so-called urban fringe areas are taken into account, approximately 85 percent of the state's population will be concentrated in urban and suburban areas.

*SMSA—Standard Metropolitan Statistical area—comprised of a center city of more than 50,000 and adjacent counties which are socially and economically integrated with that central city.

oregon's population threat



INCREASE



lines of inquiry

Unlike many states, Oregon still has time to accommodate population growth in socially desirable ways through wise land use planning. Such planning, however, is controversial and often is blocked or weakened due to conflicts of interest.

Also, current planning may commit us to future development which could prove undesirable.

Investigation of case studies will help students understand the critical importance of sound planning and the forces that mitigate against it.

action ideas

Form a committee to identify an area of your community with local planning needs.

The committee should come to a majority recommendation as to what should be done about the needs identified and a plan to implement the recommendations should be made. Use the procedure on page 13. Compare plans with those of local government. If your city or county has not developed anything similar, you may have a potentially good community action project.

Resources

Oregon State Government for the 1970's. Governor's Project 70's Task Force, Office of the Governor, State Capitol, Salem, Oregon 97310. 1968. (Available in State Library.)

Local Government Relations Section, Executive Department, 320 Public Service Building, Salem, Oregon 97310. (Teachers might want to be placed on the mailing list for materials published by this section.)

Lupton, D.K. "Planning: It's Method and Process." *The Student in Society*. Littlefield, Adams and Company. 1969.

Planning in the Community. Publication No. 299, League of Women Voters of the United States, 1200 17th Street, N.W., Washington, D.C. 20036. March 1964.

West and the Wind Blowing. Film: 30 minutes, black and white. America—What has been done with this land and will we continue to fulfill its promise? *\$6.75. Order No. CS-1678.

How Things Get Done. Film: 30 minutes, black and white. Pressures, finances, speculation, and politics of urban renewal. * \$6.75. Order No. CS-1519.

What Will You Tear Down Next? Film: 30 minutes, black and white. Examines conflicts in reshaping a metropolitan complex. * \$6.75. Order No. CS-1520.

How to Live in a City. Film: 30 minutes, black and white. Space problems involved in city housing. * \$6.75. Order No. CS-1521. Also, **\$5.

Private Dream—Public Nightmare. Film: 30 minutes, black and white. Effort to determine whether the well-planned suburban community can be realized through private enterprise. *\$6.75. Order No. CS-1518. Also, **\$5.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

land use

URBAN SPRAWL A CRUCIAL PROBLEM *

Expanding population makes land use planning one of the most critical problems facing state and local governments in the next decade. The *Oregonian* has predicted that "planning, profit, and preservation" will be to counties and cities what the three Rs are to education. "Never before has there been so much planning to reap a profit from and also to preserve the land, especially in Oregon's most rapidly growing population centers."

Commercial Land Needs. Vast acreages of our remaining farm or grazing land are being paved over for shopping centers, gas stations, factories, highways, motels, parking lots, urban subdivisions, and trailer courts. Land, especially around urban areas, is becoming costly and soon will become dear.

Farmers will be under heavy pressure to sell out because land prices will be too tempting and farming too uneconomic under suburban conditions.

Numerous examples of last ditch efforts by city and county officials to use comprehensive land use planning to guide urban sprawl can be found around the major metropolitan areas in Oregon. Typical is the controversy over

*Based upon *Oregon State Government for the 1970's* and *Blue Book* reports. See suggested resources under "Action Ideas."

planning: a crisis

11



Fanno Creek Park between Tigard and Beaverton. The conflict is between real estate interests with plans for a 2,000-unit residential development and the Tualatin Hills Park and Recreation District with plans for a \$20 million recreation project on the same 800 acres of land.

Highway Land Needs. Highway needs for land will become burdensome and controversies similar to those reported in the following *Oregonian* story of January 10, 1971, will appear more and more frequently in Oregon newspapers.

"Interstate 205 has reached Oregon City and has turned north on its sweep to the Columbia River. The outcry is intensifying as more land is paved over and tax bases are reduced. The proposed Mt. Hood Freeway has generated a storm of controversy and hearings haven't started yet. The row began when environmentalists discovered the freeway was to pass through a small but exceedingly rare grove of cedars near Gresham. An alternate route has been proposed and stormy fights will swell in 1971 during design and corridor hearings."

Forest and Grazing Land Needs. Oregon has almost 62,000,000 acres of land within its borders: 52 percent is owned and managed by the United States; three percent is owned by state and local governments. Much of this extensive federal acreage contains the most valuable commercial timber stands in the nation. Thus, land use planning is crucially dependent upon federal land management policies. Agencies involved:

- (1) The U.S. Bureau of Land Management controls 16½ million acres of grazing and forest lands.
- (2) The U.S. Forest Service administers 15½ million acres of forest lands.
- (3) The Forest Conservation Board approves or rejects proposals of the federal government to acquire lands by purchase, gift, or condemnation, for the establishment, consolidation, and extension of the national forests.
- (4) The State Land Board has about 600,000 acres of grazing lands, 132,000 acres of forest land, as well as the beds and banks of the most navigable waters. In addition, the state is con-

lines of inquiry

Because forests are at the heart of life in the Pacific Northwest—providing the raw materials for Oregon's major industries as well as unparalleled recreational opportunities—they are also at the center of a growing controversy over land use priorities and timber management techniques.

All students have a stake in the way these controversies are resolved. By debating such issues as clearcutting, designation of wilderness areas, and the timber management policies of both state and federal government, they will become familiar with many related environmental problems (see page 27).

Teachers will find discussions of forests as part of Oregon's recreation industry on page 35; forest products as a major economic factor in Oregon on page 30; and the special problems of timberland taxation on pages 143 and 184.

action ideas

Resources

Agencies which can supply the latest information on all aspects of forest management include:

Oregon State Department of Environmental Quality, 1234 S.W. Morrison, Portland, Oregon 97205.

Oregon State Department of Forestry, P.O. Box 2289, Salem, Oregon 97208.

Forest Service, U.S. Department of Agriculture, P.O. Box 3623, Portland, Oregon 97208.

National Park Service, U.S. Department of the Interior, 920 NE 7th Avenue, Portland, Oregon 97232.

For a complete list of regional and local agencies which can supply information and resource people, write to Wilbur Nance, Environmental Education Specialist, Oregon State Department of Education, 942 Lancaster Drive, N.E., Salem, Oregon 97310.

supporting information

tinuously engaged in acquiring lands for the Willamette River Park System.

(5) Oregon's Highway Division is continuously acquiring lands for park and beach access programs, and, of course, highway rights-of-way.

(6) The State Forester manages the Land Board's forest lands as well as 654,000 acres of Board of Forestry lands.

(7) The Oregon Coastal Conservation and Development Committee is primarily responsible for development of Oregon's coastal program for the orderly long-range conservation and development of marine and coastal resources. It is the state's coastal zone management authority.

(8) Several counties have assumed active management of tax-foreclosed lands; homestead lands are no longer available.

(9) City governments control city-owned lands.

(10) Miscellaneous special districts and state and local agencies manage lands connected with reclamation and dam projects, game reserves, parks and recreation projects.

According to a 1972 Associated Press study, the forest industry has been on a collision course with a shrinking landbase, a disappearing resource and a growing human population clamoring for some of the space now devoted to trees.

"Last year, for example, International Paper Company logged 133 acres in Washington, but it lost 150 acres of

land to the Bonneville Power Administration for a right-of-way. At 20,000 board feet per second-growth acre, this is three million board feet lost. The same year, the Weyerhaeuser Company gave up 700 acres—or 14 million second-growth board feet—for a natural gas pipeline.

"The corporate reaction may be described as stoic, with so much land it knows that when another power line or pipeline is laid in the public interest, the line probably will cross industrial properties.

"But the real fight over land allocation has arisen in the public domain. There the battle rages over hundreds of thousands of acres of roadless national forest land being considered for use as wilderness. That fight, and others like it, probably will become an ever more continual presence in the Pacific Northwest. Ultimately, its resolution may help determine where we're going.

"Dean James Bethel of the College of Forest Resources at the University of Washington predicts that in a major showdown between the timber industry and the public over land use, the industry will lose."

Multiple Use Concept. According to the Associated Press Task Force '72 dispatch, "Bethel also predicts that multiple use of forest land probably is required and that people will have to pay for their recreation on public land."

Pressures on the land due to population growth must be relieved in one of three ways—changes in land use, improved technology, or multiple use.

"Hans H. Landsberg, working for Resources for the Future, projects that if only land use changes and improved technology are applied, 'the problem of land allocation becomes essentially unmanageable before the year 2000. . . .'"

"The concept of multiple use—apparently different from that of the timber industry now—requires modifying harvesting and growing practices to achieve compatibility with recreation use. Some see danger in compromise. An official of the Industrial Forestry Association charges that modern 'conservation crusaders' want to 'diminish our timber-growing land base. They want to sterilize millions of acres of it with

single use. They want to have it to look at . . . to know it is there.'"

Other experts predict that timber companies eventually will take some of their land out of timber production because it is worth more dollars in recreation.

"Timber industry spokesmen say that has not happened yet, however. They say no recreational use has been found for their land that can match the money it makes producing timber.

"'If providing a recreation service is in lieu of or at the expense of forest production,' says Bethel, 'then it must yield an income that justifies this output mix in dollars and cents. This means that the recreation users must be prepared to pay the real price for the service they require.'"

"The pay-to-play movement already has begun on public land in a small way. National park entrance fees and inauguration of the now-defunct 'Golden Eagle Passport' system for entrance to federal recreation facilities were the first conditioning steps.



"The timber industry is facing competition from a wide range of recreational activities—hunting, fishing, skiing, hiking, camping, picnicking, boating, snowmobiling, cycling—and plain driving and looking."

^aSee page 27b.

lines of inquiry

action ideas

Research Project. Investigate a past or current planning controversy in your community or county and identify the conflicts of interest represented by the factions involved. Suggest ways of resolving such conflicts that will accommodate the general welfare of the community with the least infringement on rights of individuals.

Career Orientation Project. Who does the planning in your city or county? Who does the planning in business or industry? What do they need to know? What kind of satisfaction and frustrations do they have? How many career opportunities are there in the field of planning? Do planners need special aptitudes?

Zoning. Study the role of government in community planning by investigating planning procedures in the local community, and by constructing a physical model to indicate how planning works, or what it proposes for the community. Possible procedures: (1) visit with planning board members and the zoning officer in the community and discuss the purpose and function of their jobs; (2) secure a map of the community and show on it the various zones; (3) research the meaning of the various zones. Pictures can be taken to show representative types of buildings. Drawings of different types of buildings are also possible; (4) construct a model of the community, based on the information researched, by use of a sand table model or a flannel board display; (5) investigate and discuss what changes will be needed in the future.

Resources

Joint Reference Library. *Recent Publications on Governmental Problems.* Bibliography of current articles that pertain to a variety of subjects dealing with state and local government, law, taxes, etc. Joint Reference Library, 1313 E. 60th Street, Chicago, Illinois 60637. Published twice each month. \$10 per year.

League of Women Voters. *Publications Catalog.* League of Women Voters of the United States, 1200 17th Street NW, Washington, D.C. 20036. Published in August of 1968. Copies free on request. A plethora of valuable material is published each year by this group. A must for teachers of government and civics.

Munzer, Martha E., *Planning Our Town.* Alfred A. Knopf, Inc., New York, N.Y. 1964.

supporting information

Land Management Moving Into the Political Arena. With urbanization and increasing political sophistication, the power base has shifted, nationally and regionally, from the country and the small town to the city. And city people have their own view of what a forest is for. Also, there is widespread dissatisfaction with the way forest lands have been managed until now, particularly in such noticeable and controversial areas as clearcutting. As a result, forest management decisions are being made more and more in the political arena.

Those who do not favor political solutions argue that it is wisest to listen to the professionals. They fear that the public isn't necessarily correct in its conclusions. Those who favor public decisions argue that public agencies are making decisions which reflect their "capture by the industry they are supposed to regulate."

Coordination Needs. Land use planning is closely tied to the preservation of natural resources and protection of the environment; however, the sheer crowding caused by a vastly larger population and greater human activity complicates problem-solving. In a teeter-totter-like effect, the very steps taken to head off or mitigate one problem create the conditions leading to another. Thus, efforts to provide adequate sewers and sewage treatment will spur building and an influx of new homes and businesses;

attempts to control air pollution by limiting the burning of solid waste have already begun to give an urgency to the threat of mountains of nondisposable wastes.

However, efforts to tie together all types of planning into comprehensive and coordinated

efforts often meet with resistance from those who genuinely oppose greater centralization of government, from those who use this argument to mask more personal interests, and even from government agencies, which are often highly protective of traditional prerogatives.

city and county planning

In order for teachers and students to develop city or county planning projects as learning experiences that integrate the study of geography, mathematics, English, science, and social studies, the following outline of a comprehensive planning program developed for city and county officials by the Bureau of Governmental Research and Service of the University of Oregon is provided.

A long-range planning program for a city or county normally consists of three basic elements: background planning studies, a comprehensive plan, and implementation of the plan. Background planning studies are intended to provide the city with a realistic picture of the present pattern of development and an evaluation of the community's growth potential. The comprehensive plan is a guide for the future growth and use of land within the city or county. Plan implementation includes the enactment of regulatory measures pertaining to land use and the development of policy related to the provision of public improvements.

I. Background Planning Studies

A. Base maps of the city and its immediate surrounding area should be prepared. A base map should be reproducible so that it can be used as background for displaying other information. It should show highway, street, and block systems, section lines, subdivision and property lines, streams and lakes, urban and rural development.

B. Evaluation of community or county growth potential (economic, population) to determine future needs for different types of land use, streets, roads, public facilities such as schools, parks, utilities.

C. Assembly and analysis of land use data—location and pattern of existing land use should be recorded on a map and analyzed. Classifications include residential, commercial, industrial, public, semi-public, right-of-way (street and

rail), and vacant.

D. Information pertaining to community facilities—location, size, condition, and function of public and institutional facilities, including schools, parks, libraries, fire halls, government offices, public utilities.

E. Information pertaining to transportation facilities—right-of-way widths, roadway width and surfacing, location of curbs and sidewalks, traffic volumes, accident patterns. Similar information concerning air and rail facilities might also be considered.

F. Information pertaining to physical characteristics—water resources, soils, drainage characteristics, flood plains, vegetation, topography and land forms, climate, mineral resources, recreation resources, irrigable lands.

II. Comprehensive Plan

A. The comprehensive plan consists of three basic elements listed below and they must be closely interrelated if the plan is to serve as an effective guide for growth. The plan normally consists of maps showing basic planning proposals and a text to explain these proposals and to set forth policy relating to future development.

B. The comprehensive plan can be developed in stages—preparing the land use plan first, then preparing ordinances implementing the land use plan, and later preparing the other elements of the comprehensive plan. City and county plans should be coordinated.

1. The land use plan should indicate areas suitable for residential, commercial, and industrial development and include basic policy statements relating to the future development of the land. Consider existing use patterns, natural land features, accessibility to transportation networks, direction of probable future growth of population and basic economic activities, platting and land owner-

ship patterns, availability of utilities, and amenity factors such as view and waterfront.

2. The community facilities plan should guide development by indicating proposed locations and general standards for development.

3. The street plan should serve as a guide for location and standards, including designation of arterials and suggested street patterns for selected areas, standards for county road networks, and locations for future major roads and highways.

III. Implementation

A. Zoning regulations. Zoning is the most important legal tool available to implement the land use plan. It is the division of an area into residential, commercial, industrial, agricultural, and other zones, and the regulation within each zone of the use of buildings and land, height of buildings, setbacks from streets and other property lines, and density of population. It is intended to promote public health, safety, convenience, and welfare by preventing mixtures of land use which result in blight, congestion, and reduction of property values.

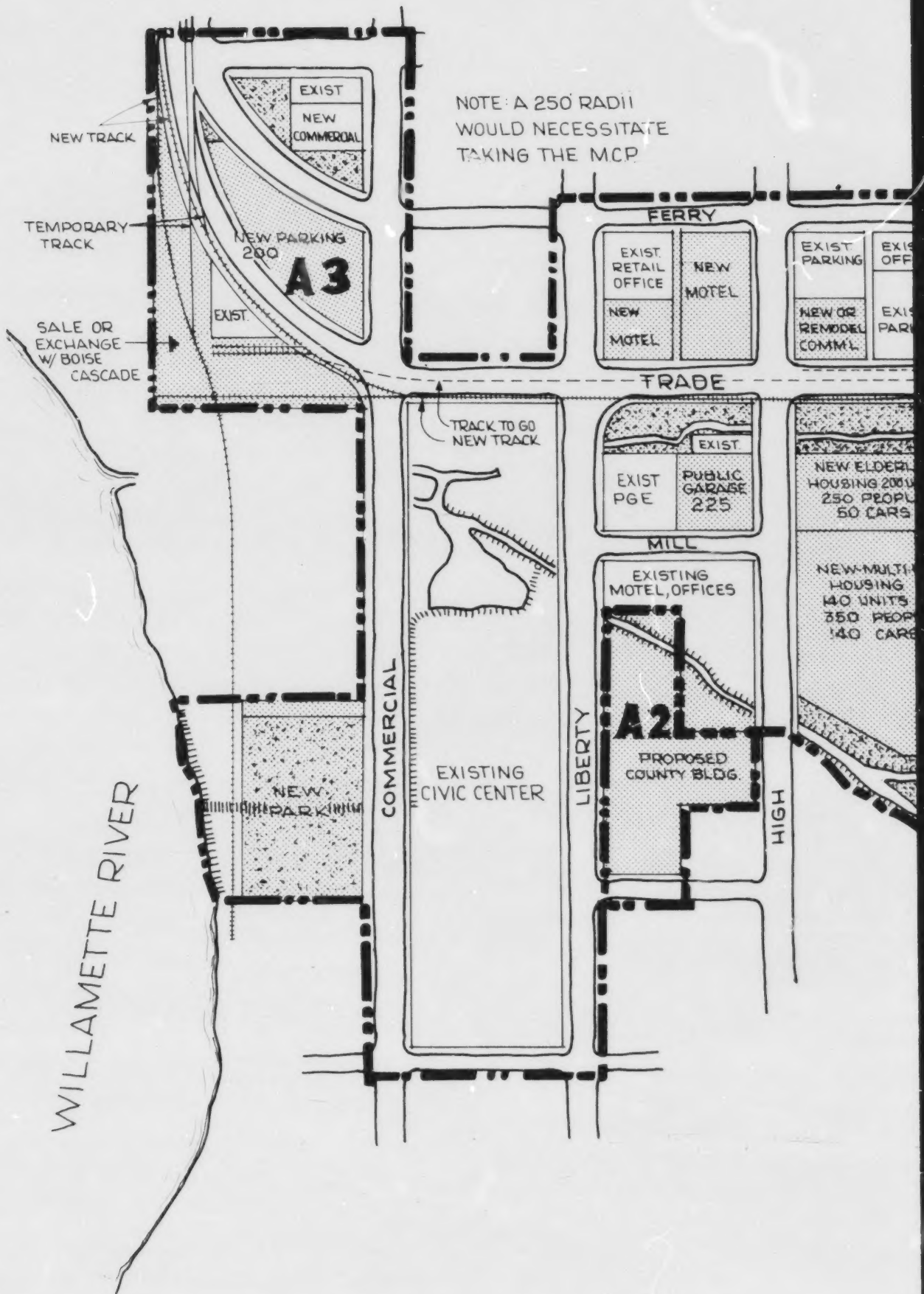
B. Subdivision regulations provide cities and counties with guidelines for the approval of plats. They specify procedures for plat approval; contain design standards for streets, lots, and blocks; and list improvements such as streets and utilities to be provided by the subdivider.

C. Building codes establish minimum standards of safe design, construction, alteration, and repair.

D. Capital improvement programs are financial plans for acquisition and development of public capital improvements.

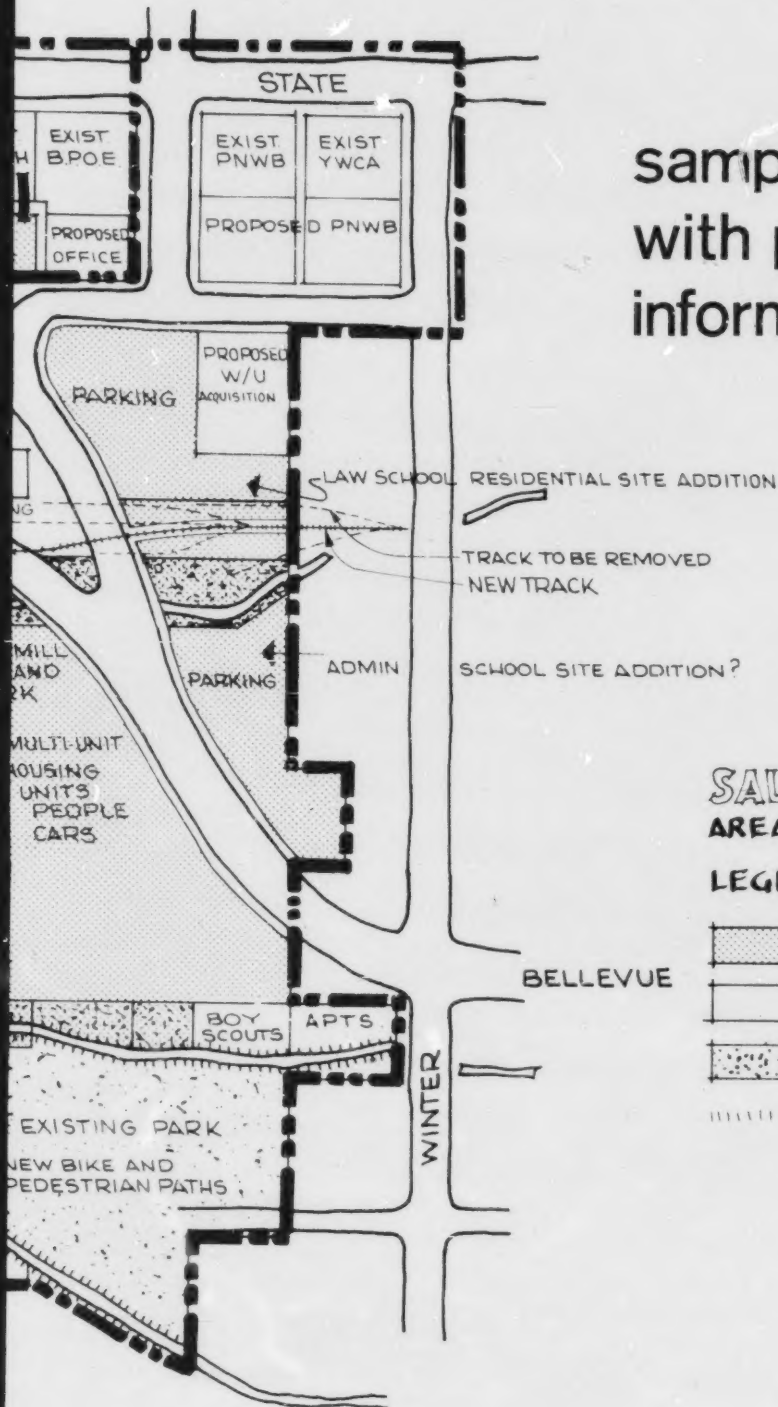
E. Other implementation measures: housing codes, lot grading ordinances, trailer park ordinances, official maps.

14



sample of base map with planning information

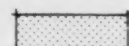
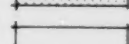
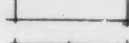
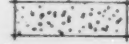
15



SALEM GNRP

AREA A

LEGEND

-  ACQUISITION
-  NON-ACQUISITION
-  PARK
-  BIKE / PEDESTRIAN PATH



lines of inquiry

There is little doubt that state and local government will continue to expand in the next decade. This idea is dramatically illustrated by the environmental crisis, which can only be solved with government leadership and coordination.

16

There can be no guarantee that governments will always act wisely. Students need to be aware of powerful conflicting interests and the role of the ordinary citizen in supporting responsible governmental action.

action ideas

Photographic Essay. This kind of activity may be helpful not only in making students more aware of environmental abuses, but also as a means of documenting the application of successful corrective measures.

Research Questions. What relationship is there between timber conservation efforts and Oregon timber tax laws?

How much has been spent by private industry on preserving environmental quality as affected by industrial operations? In your community? In the state? This year? Five years ago?

To what extent does geography contribute to the problem of air pollution in your area? In the Willamette Valley?

Why don't people stop doing those things they know contribute to polluting the environment?

Opinion Poll. Conduct a public opinion poll in the community to assess the level of awareness and degree of concern regarding local environmental problems.

Balance. Simulation game. Students study the problems of air and water pollution, land usage, and population problems by playing roles of families living in Ecopolis, an expanding city with many ecological problems. Good for exploring short-range economic-economic-hedonistic goals vs. long-range environmental goals. Students finish by conducting an ecological survey of their real community. Interact. Order from Social Studies School Service, 10,000 Culver Boulevard, Culver City, California 90230. Kit for up to 35 students. \$10.

Resources

Oregon State Government for the 1970's. Project 70's Task Force. 1968. (Available in State Library.)

Basic Ecology Bibliography. Available from Specialist, Social Science Education, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. (Annotated; broad range of sources and types of materials. No cost.)

supporting information

a second

PROTECTING ENVIRONMENTAL QUALITY*

The whole problem of air and water quality could assume crisis conditions by 1980. Population growth, industrial processes, continued reliance upon oil- and gas-burning transportation and heating devices, and the spread of urbanization seem to be fouling air and water faster than the state has been able to devise remedies.

Oregon has begun to develop the means for calling a halt to flagrant abuses, but most cease-and-desist efforts are burdened or compromised by the lack of ready alternatives, by the lack of willingness or capacity of the offenders to operate otherwise, and by threats of industrial relocation and lost jobs.

The fouling of the air of the Willamette Valley and the lower Columbia River area appears to be growing more severe each year, and no fundamental relief seems on the way. Aside from the obvious esthetic blight this creates for our state, the long-term health, wildlife, and crop implications are not really known and are being hotly argued by the experts.

Increase in the human mass and the spreading effects of our ever-changing technology will give greater momentum to

*Excerpts from *Oregon State Government for the 1970's* (see suggested resources), and the *Oregonian*, January 10, 1971.

crisis: environment

the despoilation of our scenic conditions. The eye is already saddened by growing accumulations of wastes, garbage, broken glass, old cars and tires, and other debris along our rural roadsides and city streets, and in our parks.

The biological effects of increased human crowding and the consequences of the growing noise, tension, and dissonance of our daily living are just now being examined by scientists who may have some distressing findings by 1980.

It is only quite recently that the state has been forced to assume, as major functions of government, the maintenance and improvement of its physical environment. It is only within the last decade or so that various forms of depletion and pollution have reached such unacceptable levels that Oregon state and local governments have had to create control legislation and agencies to deal with "environmental quality." The problems plaguing communities surrounding Portland, largely as a result of urban sprawl, are illustrated in the following *Oregonian* stories.

Troubled waters of polluted mountain streams flooded Rhododendron town politics in 1970. Residents argued that a developer of condominiums would destroy a local stream and the aesthetic value of the area.

Lack of water stirred a major controversy near Sandy in 1970. The basic issue: Who has the primary right to water—people or fish? Threatened are the water supplies of area farmers and the city of Sandy. And the problem has statewide implications.

In Clackamas County, citizens' groups bringing pressure for the establishment of a cut-off point for the extension of suburbia into exurbia.

The problem of junk in Clackamas County led to one of the county's most important pieces of legislation during 1970: an ordinance controlling solid waste disposal.

Tight money or not, Washington County's

service district, Unified Sewerage Agency, has begun several projects to upgrade Tualatin Valley water quality even as more sewage poured into treatment plants. Expansion of Metzger and Aloha plants, interties from other plants, and a Johnson Creek trunk line were the start of a \$36 million ten-year construction program.

In addition, the need to consolidate local government services has prompted the Portland Metropolitan Study Commission and some civic and government leaders to seek public support for a proposed merger of Beaverton, Tigard, Tualatin, King City, Durham, and surrounding areas into Oregon's second largest city—Tualatin Hills, with a population of 90,000. (See page 339.)

Among Portland's sprawling suburbs, Gresham will continue to lead the urbanization race. Much of the town's success stems from planning for sewer, greenway and other environmental needs before the needs arose.

Conflicts Between Industry and Environment. Early in 1971, an *Oregonian* reporter wrote, "How do you provide for industrial expansion, create more jobs and increased electric power, and at the same time protect the environment and maintain Oregon's livability for future generations?" This question has kept preservationists, industrial leaders, and a host of other spokesmen at each other's throats throughout the decade. . . .

"Votes like the U.S. Senate vote on the SST (supersonic transport) could change the spelling of 'economy' to 'ecology' in 1971.*"

"The only thing that seems to stand in the way of an ecology veto on anything to do with this region's payrolls is unemployment. Washington's Senators Warren Magnuson and Henry Jackson have had a first-hand view of unemployment in the Seattle-Tacoma depression area and they are

*Although further appropriations for the SST were officially cut off by Congress in March of 1971, efforts to revive the project were initiated in May of 1971, so the issue is not a closed one. Whether or not the SST is finally funded, the *Oregonian* discussion provides insight into the problems that planners and policymakers face.

lines of inquiry

Oregon may still have time to deal effectively with its environmental crises because of actions already taken to give impetus and coordination to local efforts.

Analysis of newspaper and various agency reports of recent governmental activities, with a focus on the actions of the 1971 Legislative Assembly, will give students an idea of the progress to date and problems remaining.

Study of environmental problems and possible solutions can be related to the study of procedures for effecting change (see Part III), or to the need to increase sources of revenue (Part II).

action ideas

Community Action Projects. Groups of students might investigate environmental problems of concern to the local community and present their data and conclusions to public hearings scheduled for this purpose. Students might want to follow through by drafting a model city ordinance, or, if the problem has statewide implications, drafting a bill for the next legislature. (See pages 245 and 252.)

Map Making. A map may be constructed by students to show relationships of population shifts in Oregon to environmental crises. Use shadings to indicate population shifts plus and minus, and symbols to indicate types and severity of environmental problems.

Resources

"Buy a 'Green Belt' to Save Valley." *The Oregon Statesman*, April 4, 1971.

Goals for a Livable Oregon: An Action Partnership for the '70's, Executive Department of the State of Oregon, State Capitol, Salem, Oregon 97310, December 1970.

Potter, Frank M., Jr., "Pollution and the Public," *The Center Magazine*, Volume III, No. 3, Center for the Study of Democratic Institutions, PO Box 4068, Santa Barbara, California 97103. May/June 1970, pp 18-24.

West and the Wind Blowing. Film: 30 minutes, black and white. America—What has been done with this land and will we continue to fulfill its promise? *\$6.75. Order No. CS-1678.

The Banquet of Life. Film: 60 minutes, black and white. Man's efforts to feed his ever-increasing numbers. *\$12.

Multiply and Subdue the Earth. Film: 68 minutes, black and white. Documentary on Pollution. *\$13.50.

Science and Society—A Race Against Time. Film: 30 minutes, black and white. The social problems created by technology and the probability of correction. *\$7.25. Order No. CS-1838.

America: On the Edge of Abundance. Film: 60 minutes, black and white. The effects of technology on training, leisure, and American values. * \$12. Order No. NET-2604. Also, **\$9.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

still fighting for the SST.

"If your business or family payroll has anything to do with Oregon's exotic metals industry in 1971, you will want to join them. . . . We will not get the orders for controls and components at Electronic Specialties; we will not get the orders for zirconium produced at Ormet in Albany, and all the little exotic machining companies that made the hard, light metals will feel it too.

"The capital goods that would go into the program have to include oscilloscopes from Tektronix. Then spread the base of the industrial demand out to subcontractors and suppliers and the business circle increases.

"But perhaps more important than anything else is the overall impact the ecology cry has on business plans when sounded through the political windpipes. Portland General Electric, which has its Trojan nuclear power plant up for debate, is battling now to keep the project alive. The Eugene Water & Electric Board has already seen its nuclear plans washed out by the same protestors who are appearing at the PGE hearings. These are \$100 million-plus projects and the power experts say we must build at least one a year through the 1970s to keep up with the power demands. That is not a demand off the drawing board. Those kids already have been born and, by today's industrial-economic yardsticks, they will have to have the jobs only power will

make possible in the next decade. . . .

"The glow and promise that the government can lift us out of hard times make business and industry and (unemployed) labor patient with ecology and environmental restrictions for now. And if the housing industry does, in fact replace defense spending cutbacks and boosts the timber industry, we will continue to be choosy about where we go for our payrolls. If they go ahead with the Alaska pipeline, we can expect more waterfront payrolls, perhaps including some substantial ocean-oriented construction."

CURRENT PLANNING EFFORTS*

In 1969, the legislature ordered all local governments to implement zoning and stipulated that state government would do so if local plans were not completed by 1971.**

Within larger cities in the valley such as Salem and Eugene, revitalization of downtown core areas will be a major preoccupation, along with financial problems and the usual chores of providing for growing demands on sewer and water systems and other city services.

Albany and Corvallis also are eyeing renovation of their downtown areas. Albany is hoping to gain local approval of an urban renewal project while Corvallis is utilizing groups to help prepare a new downtown plan.

A new bridge over the Willamette River at Albany is expected to spark development of the North Albany area and permit the city to provide sewage treatment facilities for the presently unincorporated area.

In Corvallis, Oregon State University is filling housing and making the city one of the fastest growing in the state. Planners are waiting to see how rapidly an 800-acre planned unit development northwest of the city takes shape.

The specter haunting planners and other officials in the valley (and along the coast) is the realization that rapid growth can outpace planning, leading to a crisis-oriented atmosphere, and frequently a smoggy one.

A question for the '70s will be whether the planning is effective and the valley not completely hidden by its people.

The state itself has begun work on a compre-

hensive environmental protection plan for the Willamette Valley which, it is hoped, will not only indicate how the valley's growing population should be distributed but also show how much the population should be encouraged to grow if the desirable traits of the valley are to be preserved. (See page 20.)

One function of the comprehensive plan will be to tie together all plans that have been prepared for one area or another in the valley. The effort also will determine how large a role the state should play in encouraging development in the valley or, as an alternative, other parts of the state, such as Eastern Oregon.

The Environmental Quality Commission. An Environmental Quality Commission was created in 1969 to succeed the Sanitary Authority, which was established in 1938 by a successful initiative measure.

The commission and the newly created Department of Environmental Quality are responsible for administration and enforcement of laws relating to water and air pollution control and solid waste disposal. In addition, the commission and its staff are responsible for developing comprehensive plans and programs, making field investigations and studies, and establishing standards of quality and purity for air and water and for the treatment and control of wastes. Demands on the commission are increasing at such a rate that it asked the 1971 Legislative Assembly for a budget that would permit the expansion of its engineering, biology, and chemical staff by 75 percent to upgrade its field service investigation and waste-control enforcement.

Efforts are being made to institute a statewide solid waste disposal plan to encourage counties to develop coordinated programs over periods of 5, 10, and 20 years, with timetables established by the department, counties, and cities.

The 1971 Legislative Assembly may have made history by its so-called "bottle bill." Oregon is the first state in the nation to have a law on returnable containers.

In addition, several levels of government are cooperating in the development of:

- (1) An "Environmental Protection and Development Plan for the Willamette Valley"

*Excerpts from an *Oregonian* story, January 10, 1971.

**See also discussion of Oregon's "Greenbelt Law," page 139.

lines of inquiry

action ideas

Case Study. The teaching booklet, *Municipal Politics* (see below), provides a case study which dramatically illustrates the politics involved in getting community action on a project to improve the environment. Students from grades 8 to 12 may use it with profit.

Resources

Municipal Politics. Harvard Public Issues Series. American Education Publications, Education Center, Columbus, Ohio 43216. Teaching guide available. 40 cents.

Air and Water Pollution. Problems of American Society Series. Washington Square Press, New York City, N.Y. 75 cents. (Junior and senior high.)

supporting information

(2) A coastal program under the direction of a 30-member Coastal Conservation and Development Commission.

Planning for the Columbia River, Deschutes Basin, and Southwestern Oregon areas will be initiated in 1971.

The Willamette Valley Plan. Early in 1970 a steering committee was formed, composed of two local government representatives from each of the four councils of governments (COG's) in the Willamette Valley (see page 335) and two representatives from the Governor's office. This committee has been meeting regularly to develop and draft a plan to preserve the living quality of the Willamette Valley.

Phase I of the committee's planning is the development of "a descriptive scenario," including forecasts of population, economic base, and other significant trends and forces—zoning controls, industrial development, community action agencies, fiscal and taxation restraints and incentives, housing, transportation systems, cultural and educational systems, social and political systems. Forecasts and projections will be updated every five years.

Phase II consists of public opinion sampling to determine "what the valley should be like." (See news story.)

Phase III is the drafting of the plan itself, charting a 20-year course and making policy and legislative recommendations concerning air and water re-

sources, land use, the economy, population levels, facilities, transportation, power, water supply and treatment, sewage treatment and collection, health and education facilities.

Coastal Conservation and Development Commission. The Local Government Relations Division of the Executive Department has defined Oregon's coastal zone as extending from the lower Columbia River to the California line, "but in the east-west direction, the zone is not so easily stated. Depending upon a specific aspect, it might extend seaward to the three-mile limit, or the edge of the continental shelf, and

landward to the crest of the Coast Range, or the upper elevation of tidewater."

The 1971 Legislative Assembly established a 30-member commission, made up of representatives from all parts of Oregon, with responsibility for "providing for the orderly, efficient development and use, consistent with sound conservation principles, of all marine and coastal resources for economic, recreational, educational, scientific, and necessary defense purposes, stressing multiple uses that consider local as well as total public interest."

21

Can't Have Valley and 'Eat' It Too

Perhaps the biggest dilemma facing the Mid-Willamette Valley was amply dramatized by stories at the top of The Statesman front page over the weekend.

On successive days, there was a story protesting tentative restrictions on the use of land in the Valley and a story indicating people want the livability of the Valley preserved through controlling land use.

The protest came from developers of a 400-acre tract near Brooks who fear their investment in a potential industrial park is in danger if a proposed land use policy zones their tract as farm land.

The "Willamette Valley Attitude Survey" polled nearly 14,000 people. The results should be eyed somewhat skeptically in the Mid-Valley area, however. Of those polled, about 7,500 are from the Portland metropolitan area and environs and only about 4,500 from the Mid-Valley.

Previous surveys have shown that Portland area people, facing critical urban growth problems, are more willing to accept regional government and land use controls than are Mid-Valley people.

Even taking that into account, the poll still is a useful tool. It shows how people are torn between preserving the land and preserving individual rights to use it.

As an example, take the responses to these two questions which were almost side by side in the questionnaire.

Everyone should have the right to live in the country: Agree, 9,571; Disagree, 2,348.

Commercial and industrial development should not be allowed on prime agricultural land: Agree 8,220; Disagree, 3,116.

In almost the same breath, the vast majority of those polled said they want to live where they please but they want to control where people live.

We had a planning commission member tell us recently how a woman at a public hearing was admonishing the commission "You've got to stop the encroachment of industry." But when she found the proposed industrial zone change would restrict her property she retorted irately, "You mean you won't let me sell my land?"

The Willamette Valley Attitude Survey shows that by margins of 3 to 1 and 4 to 1 people want farmland preserved, billboards prohibited in scenic areas, land purchased for future public use and the placing of ecology ahead of economic considerations.

But the survey also shows high taxes as the principal complaint. Yet almost every effort to preserve livability will cost money, either in taxes or extra economic burden on business, farming and industry.

If the Mid-Valley farmland is to be saved, the air and water kept moderately clean and the livability preserved, this dilemma must be resolved. We can't both have our Valley and nibble away at it with ineffective zoning laws and a schizophrenic determination to live where we want to and at the same time control where people live.

lines of inquiry

Oregon is fortunate to have an abundant supply of natural resources, particularly water and power. However, scarcities in other states and problems involved in assuring wise sharing of resources have become major political issues for this decade and beyond.

action ideas

Research or Debate Questions. Should there be more dams on the Columbia River?

Should we share Northwest waters with the arid Southwest?

What are the most desirable ways to generate enough power to meet Oregon's future needs?

Have Oregon's political parties taken firm positions on these issues? Should they?

Is the public sufficiently aware of the implications of these questions? To what extent is provincialism a part of public reaction to the question of sharing resources? Is provincialism in this respect valid?

It has been said that politics is the art of the possible. Is it possible to reconcile the conflicting interests of environmentalists and industrialists?

Resources

"Ocean Enterprises: A Summary of the Prospects, and Hazards of Man's Impending Commercial Exploitation of the Underseas." Center for the Study of Democratic Institutions, PO Box 4068, Santa Barbara, California 93103. June 1970.

Water for the Community. Film: 11 minutes, black and white, grades 4-9. The uses, needs, sharing and distribution of water. * \$3.75. Also available from Coronet Instructional Films, 65 E. South Water Street, Chicago, Illinois 60601.

Cities and Protection: Protecting Lives and Property. Film: 8 minutes, color, grades K-3. Shows how law agencies work, and concern of business and government with pollution. * \$4.50. Also available through McGraw-Hill Films, 530 W. 42nd Street, New York, N.Y. 10037.

Cities and Recreation: Places Where We Play. Film: 8 minutes, color, grades K-3. How cities provide leisure time, recreation, play for people. * \$4.50.

* Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

natural

WATER AND POWER

Oregon, with about one-fourth of its potential developed, ranks fourth in the nation in hydroelectric development. It has 152 completed hydroelectric projects and multi-purpose federal projects, including eight federal programs in the Willamette River basin which account for about 68 percent of the state's hydroelectric development. While 81 percent of the power customers in Oregon are served by four private utility companies, approximately half of the state's area is covered by four public utility districts, 16 cooperatives, and 11 municipal systems.

According to the Project 70's Task Force, however, the demand for power already is on the edge of exhausting our hydro capabilities. Therefore, sound population growth and expansion of Oregon's economic base literally depend upon the development of new power sources and wide-scale regional power sharing systems. Power is shared by Oregon with Washington, Idaho, Montana, and California.

A major project begun in the last decade and scheduled to start operating in 1971 is the Centralia, Washington, coal-fired plant.

resource conservation

Another power source, which geologists say could equal everything being produced or now on the drawing boards, is geothermal steam-driven generators. Extensive exploration by a California company, Geothermal Resources International, has been under way in southern and southeastern Oregon since the middle of 1970. The Oregon Geology Department has said repeatedly, however, that the highest potential for geothermal steam is on federal lands—which are now open to exploration under the steam lease act. Scientists estimate, conservatively, that western states have enough geothermal potential to produce 100 million kilowatts of power.

Hanford which produces both plutonium and electric power by using by-product steam. Others will be built specifically for the production of power. But large quantities of water are used for cooling purposes in nuclear plants, which can, if not handled properly, raise the temperatures of streams and interfere with fish life.

The Governor's Nuclear Siting Task Force recommends legislative approval of construction of the proposed Trojan nuclear power plant on the Columbia River near Rainier. When the Trojan plant went under hearings by the Atomic Energy Commission, however, questions were

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Columbia River Water-Grab Fear Revived

WASHINGTON — Rep. Julia B. Hansen, D-Wash., fears there has been some backstage dealing going on in the House that poses a new threat to the security of Columbia River water for the Pacific Northwest.

Congresswoman Hansen thinks pledges were made between eastern opponents of the supersonic transport and southwesterners who want to divert "surplus" water from the Columbia basin to their region.

"I'm more afraid for the Columbia today than ever before," she observed.

For years there has been much talk and some effort in Congress to promote various projects for diverting the mighty Columbia to serve the

more arid regions of the Colorado River basin.

The Bureau of Reclamation has been a willing accomplice in this past maneuvering, for



By
**A. ROBERT
SMITH**

Statesman
Correspondent

such a project would presumably be assigned to the Bureau, the largest irrigation ditch it ever attempted to build.

The last time this subject was

alive and subject of open discussion in Congress was in 1968 during consideration of an omnibus reclamation bill authorizing about \$1 billion in new projects, primarily the long-debated Central Arizona project.

But on that occasion the Northwest and Southwest made a shaky alliance against Southern California, with this result: the Northwest helped put over the Central Arizona project which California had blocked for years; and the Southwest went along with a rider declaring a 10-year moratorium on any studies of trans-regional water diversions.

"Don't ever forget," observed Congresswoman Hansen, "that

moratorium can be repealed at any time."

Specifically, she suspects the Arizona delegation of trading votes on the SST for a promise of support in a future raid on the Columbia.

The circumstantial evidence might support her contention, even if no one will admit it openly. Every congressman from Arizona, New Mexico and Colorado except Rep. Wayne Aspinall, D-Col., voted against the SST — and these are the states other than California most apt to gain from water diversion.

The California delegation was heavily divided, 23 for the SST and 12 against. Those from Los Angeles County, which has the most to lose by water shortages, voted 10 to 4 for the SST.

California, however, was caught between conflicting interests. The economic future of its aerospace industry, some of it involved as subcontractors on the SST, weighed heavily in favor of the funds for the SST.

One report has it that the heavy anti-SST vote from the Southwest was stimulated not only by environmentalists but by anger at the Nixon administration for having impounded \$1.2 million in appropriations for

work on the Central Arizona project this year.

Any new attempt to stage a raid on the Columbia must face the unavoidable circumstance of opposition from the chairman of the Senate Interior Committee, Sen. Henry M. Jackson, D-Wash., the committee which would handle such legislation. While Jackson may not have the influence to put across the SST, he still has the advantage in blocking river diversion legislation.

There is some suspicion here, however, that Jackson's unofficial presidential boomlet may cause his rivals to seek means of undermining or embarrassing him, above and beyond the scrapping of the SST project. If they gang up to hit Jackson where it hurts, the Columbia diversion scheme might serve such an objective.

While all this is very iffy, Mrs. Hansen is nonetheless warily building defenses for a battle she feels the region can't afford to lose. As the influential chairman of the appropriations subcommittee doling out funds for western Interior projects, she is in a position to exact a few pledges herself to help secure the Columbia for the Northwest.

Whether the utilities can find a common ground with the environmentalists will be one of the critical questions of the 1970s.

Proposals to build two new dams on the Snake River have caused considerable controversy, and utility companies have also been under fire because of power lines, electric utility advertising, and nuclear power plant proposals.

Nuclear power is not only on the horizon, it is here. There is a new dual purpose reactor at

raised about heating of the river water, radioactive effects above the cooling towers, and questions of earthquake damage.

From The Oregon Statesman

lines of inquiry

The fragmentation of responsibility and authority that has developed in government administration of many important programs is well illustrated by the number and levels of agencies involved in the conservation of water resources. This example could become the basis for an in-depth examination of attitudes regarding centralization vs. decentralization of governmental authority. (See page 99.)

action ideas

Role Playing. Students will better understand the problems of conflict resolution and, specifically, the problem of nuclear power siting by role playing Case No. 3 in *Voices for Justice: Role Playing in Democratic Procedures* by Quigley and Longaker (Ginn and Company, Boston, Massachusetts, 1970.) The case involves a public hearing based on the Storm King Mountain controversy.

supporting information

Also, in 1970, the Inland Empire Waterways Association called for federal cooperation on studies to bring "nuclear park complexes" to sparsely populated areas of Oregon and Washington.

Even the supply of water is under heavy pressure, and the situation will grow steadily more critical and complicated as more and more watersheds are disturbed and changed, as industrial and human uses expand, as pollution sources increase, as demands grow from the further development of middle and eastern Oregon, and as Californians and others lay claim to Pacific Northwest water.

Unless major and economically feasible developments in water desalination and re-use techniques are put into operation as early as 1980, the Portland area and others may experience prolonged water rationing periods as a regular summer feature.

Government's Role in Water Control and Conservation.*

There are many kinds of inter-governmental programs in the water resource field, both for the supply of water and for the control of water quality.

(1) The federal government plays a major role in the development of water supply sources and in the protection of water quality through a variety of programs directly affecting state and local government. Many different federal agencies are involved in these programs:

Corps of Engineers

*Excerpts from *Background Information on Local Government in Oregon*, Bureau of Governmental Research and Services, University of Oregon, Eugene, Oregon, 1967.

Bureau of Reclamation
Soil Conservation Service
Federal Water Pollution Control Administration
U.S. Public Health Service
Department of Housing and Urban Development
Farmers Home Administration
Economic Development Administration

The last four agencies administer federal grant-in-aid programs for local water and sewer facilities. The Federal Water Pollution Control Program provides demonstration grants to stimulate development of advanced waste treatment systems and deal with storm and sewer overflow problems. Many municipal water supply sources are located on federally owned lands, and the federal agencies involved frequently provide timber management services for these watersheds. Housing and veterans' loan programs incorporate local standards of sanitation in their requirements.



(2) At the state level the State Water Resources Board is responsible for formulation of a state water resources policy and securing the maximum beneficial use of the state's water re-

sources. It settles water-use conflicts, promotes coordination of local, state, and federal plans and projects, participates in federal flood control projects, represents Oregon on the Pacific Northwest River Basins Commission and other interstate compacts relating to water resources.

The State Water Resources Board Executive Secretary serves as Chairman of the Willamette Basin Task Force, and in this role he represents city and county governments as well as the state in developing long-range plans in cooperation with federal agencies.

The State Engineer works with the Water Resources Board and is responsible for enforcing laws relating to public waters and hydroelectric power. In addition he approves plans and operation of irrigation district works, drainage districts, and people's utility districts. (See page 347.)

Oregon has 60 soil and water conservation districts which are subdivisions of the state without power to tax, issue bonds, or make assessments. They are supervised by the State Soil and Water Conservation Commission, which oversees the organization and operation of all district projects.

The State Board of Health is responsible for inspecting and testing municipal water supplies and also provides general supervision and technical assistance for local sanitation services, including sewage disposal. It also assists in conducting training courses for local government personnel in water and sewage works operation and approves plans for construction or extension of local water supply and sewer systems.

The Environmental Quality Commission is the key agency in problems of water and air quality control.

(3) Local governments are responsible for the actual construction and operation of sewer and water facilities, although in a few localities in Oregon water service is provided by a privately owned utility.

Counties play a role in both water and sewer programs through the regulation and inspection services of their health departments. In addition to periodic testing by the State Board of Health, local sanitarians assist the state in testing community water supply system and are active in enforcing state regulations.

GEOLOGY AND
MINERAL RESOURCES

Mineral production exceeded one million dollars in ten of the state's 36 counties in 1968: Oregon's mineral industry produces between \$75 and \$100 million worth of raw materials annually and the value of metallurgical products is more than \$300 million.

"Growth minerals" such as sand and gravel are unique among the state's natural resources and are available in huge quantities, but they are irreplaceable. They can be rendered useless by lack of planning. Of all the state's natural resources, "growth minerals" possess the unusual ability to provide, after a deposit has been exhausted, the basis for an entirely new use. For example, former hill-sides may become industrial areas after they have been leveled by quarrying, or a quarry on level ground may become a pit suitable for sanitary fill, a readymade building excavation, or a lake in a public-use site.

A classic example of this multiple return from a mining operation can be seen just west of the city of Bend in Central Oregon. Former pumice pits are being used to bury lumber-mill wastes, and the numerous heaps of overburden have been smoothed and prepared for home construction and landscaped areas.

Private firms have been interested in state-owned offshore lands, but no programs have

Resources

Resources for Development. Oregon Division of Planning and Development. 1964. Write to Program Planning Division, 302 Public Service Building, Salem, Oregon 97310. Also available from the State Library.

Atlas of Pacific Northwest: Resources and Development. Oregon State University Press, Corvallis, Oregon. 1968.

Write to your county extension agent for a copy of the 1969 decennial citizens' committee review conducted in your county. These reports contain descriptive data and recommendations for future development regarding resources, economic activities, public facilities, etc.

Natural Resources of Oregon. "The Beaver State." U.S. Department of Interior, U.S. Government Printing Office, Washington, D.C. 1964.

The Sierra Club Bulletin. The Sierra Club, Mills Tower, San Francisco, California 94104.

been started due to lack of state regulations which would permit issuance of prospecting permits and mining leases for hard minerals. Minerals of possible economic importance include gold, platinum, glauconite, magnetite, chromite, zircon, monzaitite, and various other "heavy blacks."

The State of Oregon owns a strip bordering the coastline which extends seaward for a distance of three nautical miles and state offshore lands total slightly more than 850,000 acres, an amount equal to state ownership of lands onshore.

Mineral resources are managed by the State Department of Geology and Mineral Resources. The U.S. Department of Interior is exploring Oregon's offshore or "under space" and the U.S. Geological Survey, together with the Department of Oceanography at Oregon State University, has initiated sampling and bottom-study programs.

FISH AND WILDLIFE

Fish and wildlife are among Oregon's most valuable natural resources. There are ten species of big game animals, 15 species of upland game birds, and nine mammals that are classified as furbearers. A variety of waterfowl, nongame birds, mammals, and amphibians add to the resource base and to the enjoyment of observing and hunting wildlife. Since 1953, sportsmen have taken an average of 130,000 deer annually. Mountain sheep have been re-established by the state in Lake, Harney, and Malheur counties and mountain goats were introduced into the high Wallowas, and into Columbia Gorge in the vicinity of Tanner Butte. Cougar and bear are now classified as game animals.

The state operates 17 game management areas, which include about 90,000 acres, and 15 fish hatcheries with an annual production of between 20 and 25 million fish weighing over 600 tons. Approximately 6,300,000 are released annually.

Management of Oregon's fish and wildlife resources is carried out by the State Game Commission, which receives and disburses about \$8 million annually from the issuance of licenses and tags, various federal allocations,

and other miscellaneous receipts. The state provides no money for this operation.

The Fish Commission of Oregon protects and develops all food fish, shellfish, and intertidal animals in Oregon waters. It conducts research, regulates commercial fishing, and is also concerned with water quality control. The commission operates 15 fish hatcheries producing 60 million salmon and steelhead for Oregon streams.

FORESTRY AND FOREST RESOURCES*

The Pacific Northwest contains only seven percent of the total land area of the United States, but nearly one-third of the nation's timber. And more than half of the northwest commercial forest land, which experts say is among the most productive in the world, belongs to the federal government.

Wildlife, Water, and the Timber Harvest. Water and wood are the two major products of Oregon forest lands. Most of the water in the state flows through 30 million acres of forested mountains to reach the people. In route, this water provides life-support for all other living resources.

From Oregon's forested lands some nine billion board feet of timber are taken each year. About 950,000 freshly cutover acres are involved in this harvest. This is somewhat over three percent of Oregon's forest land. One-half of one percent is clearcut, and the remainder is partially cut or relogged acres.

Removal of trees changes water, soil, plant and animal relationships. The degree to which this is beneficial or damaging to these resources varies with the circumstances. Greatest damage occurs where the use is adjacent to water courses and where extensive road development is necessary to this use.

Game management officials point out that ideally, animal populations are managed through manipulation of their environment, and this is often denied to game management departments because much of the land the animals occupy is federal or private.

However, officials also point out that there is seldom much friction between game and forest management agencies because most animals thrive in a logged area better than a matured

*Source: Associated Press Report, *The Sunday Oregonian*, April 9, 1972.

lines of inquiry

action ideas

supporting information

forest. The Lewis and Clark expedition nearly starved traveling through the Northwest's old-growth forests in the early 1800s.

As with game, timber and fish often occupy the same watersheds. The water and the fish belong to the public. The land might belong to anyone. Logging practices on that land can be extremely detrimental to the fish. The Oregon Game Commission, in a booklet of guidelines for stream protection in logging operations, points out that much of the spawning gravel for an entire river system often occurs in extremely small areas. Therefore, it says, the gravel can possess a high dollar value in terms of fish produced.

Conditions game managers seek to avoid include blockage of streams with debris or other material, siltation of spawning beds, and increases in water temperatures and flows as a result of tree removal—all worsened by clearcutting, some contend.

Water temperature variations are deadly. Entire generations of aquatic vegetation, insects, and fish life can be wiped out by such an environmental change. Food chains can be broken to cause the movement or death of certain primary fish species. It may limit or prohibit the development of eggs or otherwise place restrictions on numbers.

Removal of vegetative shading along the stream banks is the primary factor in the rise of water temperatures.

Resources

The latest information about programs and materials for environmental education is contained in *Environmental Education Programs and Materials*. PREP Report No. 33 of the U.S. Office of Education, Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 1972. \$1. (Catalogue No. HE5.212:12088)

A Selected List of Filmstrips on the Conservation of Natural Resources, Number 5. Interstate Printers & Publishers, Inc., 19-27 North Jackson Street, Danville, Illinois 61832, 1968.

For a list of federal, state, regional, and local agencies that can provide environmental education materials and resource people, write to Wilmar Nance, Environmental Education Specialist, Oregon State Department of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310.

Leaving trees in protective strips along water courses is now being practiced to stop soil disturbance on stream banks, to keep debris from decaying in the stream, and to prevent obstruction of water passage.

Clearcutting and Other Issues. Issues like clearcutting, in which every trunk is toppled, are at the heart of the timber management and conservation disputes in Oregon today. Timber managers say clearcutting is the only way to manage a Douglas fir forest because young firs cannot survive in the shadows cast by mature trees nearby. In addition, removing the old-growth firs is a massive engineering feat that cannot be done economically unless an entire area is cleared of them.

Conservationists reply that clearcutting results in flooding and erosion, ruins fishing, deprives the soil of nutrients, and is accompanied by tremendous waste. And, because clearcutting involves removal of an entire stand, it obliterates the noneconomic value a forest has just by being there.

Ecologists are also complaining that the timber industry is cutting the forests at a rate that cannot be maintained indefinitely. Timbermen respond that it is because of unique characteristics of a predominant species—the Douglas Fir. The trees have a life span of 300 to 2,600 years and grow to tremendous size. These are the trees that are being cut now, and their mammoth trunks total a board footage that cannot be equalled by smaller, more numerous trees grown to replace them. But once all the commercial forests consist of small trees, the cut and the growth rate will be in balance.

Another dispute exists over technology. The timber industry, a disciple of "intensive management" of commercial forest lands, is seeking a way to grow taller, straighter, smaller-branched trees quicker and cheaper. Ecologists warn that the researchers may be playing with genetic dynamite. Genetic tinkering, combined with clearcutting, could result in ecological disaster in the Northwest.

Another aspect of forest management is the relationship between Oregon's timber tax laws and conservation efforts of the forest industry. Until 30 years ago, management efforts were limited to fire and insect control within the forest. The beginnings of more intensive forest

land management is primarily credited to the passage of federal capital gain tax relief in 1941, and later passage of timber tax laws in Oregon geared to variable timber values and forest land productivity.*

FRAGMENTED NATURAL RESOURCES PLANNING**

According to the Project 70's Task Force report, "Political leaders in Oregon generally have been concerned about the management of the state's magnificent natural heritage. There has been hard work, head-knocking, and solid achievement. The basic approach, however, has been a fragmented one, and single purpose agencies have been created from time to time to regulate or advocate the legitimate, but restricted, interests of special groups."

The language of the 1955 Water Resources Act indicates that the legislature identified at least three obligations in the natural resources area:

- (1) The preservation and development of resources for present and future generations
- (2) Protection of the rights of individuals and groups to use and enjoy these resources
- (3) Development of a management system which would achieve the first two objectives.

The state has taken two significant steps toward unified management of resources:

- (1) Creation of the Water Resources Board to centralize state control over the uses of its water resources.
- (2) Creation of the Committee on Natural Resources, composed of an executive secretary and 13 ex-officio members representing state agencies concerned with the state's natural resources. The committee serves as a forum for discussion and coordination and makes recommendations, but is not vested with line authority or control.

Yet, fragmentation remains broadly characteristic of natural resources management in Oregon today.

Local governments are attempting to cope with real and urgent problems without coordination or any integrated regional or statewide plans.

The federal government is providing local assistance through a bewildering patchwork of single-purpose programs, and, according to the task force report, "traditional state agencies are

*See discussion of timberland taxation, pages 143 to 145 and 184.

**Excerpts from *Oregon State Government for the 1970's*, a report of the Governor's Project 70's Task Force, 1968.

lines of inquiry

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action ideas

Career Orientation. Most of the jobs held by people today were not in existence 20 years ago. Students may want to speculate on the kinds of careers that will be opening up to them in the next decade. The list on the facing page may serve as a basis for exploration in depth of environmental careers and could lead to bulletin board displays or guest speakers, or perhaps mini exploration courses conducted by community resource people.

supporting information

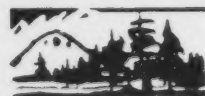
competing against each other as they scramble to meet the needs of special-interest clientele. Integration of these well-meaning efforts, however, has been inadequate and sometimes totally absent."

In other words, there will be an increasing need for the conservation and development of known resources; for research and exploration to develop new ones; for basic data topographic mapping, soil classification, stream gauging, mineral deposits, wildlife populations, and many others.

"The taxpayer will continue to feel the pinch," the task force predicts, "and will be irritable and unpredictable. He will justly demand a greater return for his tax dollar. This can be assured if the legislature creates a Department of Natural Resources, combining agencies that deal with forestry, water resources, conservation, geology, and wildlife management as constituent units under a single director."

Resources

Fanning, Odom. *Opportunities in Environmental Careers*. Vocational Guidance Manuals, 235 East 45th Street, New York, N.Y. 10017. \$5.75. (Ask for the catalog of vocational guidance manuals. Most are paperbound at \$1.95, and can be purchased under ESEA Titles II and III.)



THE ENVIRONMENT BOOM

All signs point to a doubling of available jobs in environment management by 1980.

by ODOM FANNING

On the basis of present evidence, I feel confident in predicting near-future developments in the environment. This prediction is based on two mandates from the Congress: the National Environmental Policy Act of 1969, sponsored primarily by Senator Henry M. Jackson of Washington, and the Environmental Quality Improvement Act of 1970, sponsored primarily by Senator Edmund S. Muskie of Maine. These two laws establish a permanent policy and program. From them, I have made five fundamental assumptions:

1) This policy will be continued indefinitely by the Congress. Both parties support it with equal fervor.

2) Any prospective President of the United States, for the foreseeable future, will have to be an ardent environmentalist. Otherwise, he could not be elected.

3) The federal government will continue to reorganize to implement the laws passed by the Congress to push environmental programs. The reorganization plans of 1970 moved toward logical consolidation, but most Washington observers agreed that they will be followed by more reorganizations.

4) Business and industry will accommodate to the environmental clamor because they inevitably follow the market and respond to market demand. If there is profit in pollution, business will pollute. If there is more profit in less pollution, business will lessen the pollution. If there is no profit in any pollution, business will eliminate the pollution with surprising rapidity. And that is clearly what we already are seeing. Not overnight, because the technology is not available. Not even soon, because we didn't start until yesterday. But rapidly, far more rapidly than businessmen generally thought possible as recently as 1970.

ODOM FANNING, a Washington, D.C., science writer, was editor-in-chief, for President Nixon's Council on Environmental Quality, of *The First Annual Report on Environmental Quality* (1970). The text above is adapted from his new book, *Opportunities in Environmental Careers*, published by Vocational Guidance Manuals.

To the manufacturer, the retailer, the individual, the cost of cleanup is unavoidable. Not just for good house-keeping—for survival.

5) Public opinion will continue to favor environmental concerns. The environment is a cause around which young people, regardless of differences, can unite. As the mass media of communications usually follow rather than lead, they will continue to respond to these demands. Through opinion feedback, they will help to build further public interest, which will be mobilized into further public action.

Conservation and restoration of the environment can be accomplished only by people working at it. And only part of the work can be volunteer, non-paid—important though that will continue to be. Most of the active participants, and the most effective, will be full-time professionals and paraprofessionals employed at various levels of government and private industry, or in consulting or service firms.

How many such people will be gainfully employed in the United States by 1980? Surprisingly, no one really knows. Only in a few areas of environmental management—notably recreation and parks and environmental protection—have responsible agencies conducted manpower surveys and made logical projections. In my opinion, most of these projections are unrealistically conservative. The Bureau of Labor Statistics' fundamental assumptions about the economy are far more bullish than any official or unofficial estimates of manpower needs. I choose to be far more bullish about the future of the environment, too, than many cynics today, for to me it seems logical. You cannot turn on a spigot of public demand for environmental quality and expect only a trickle of institutional response.

I believe that environmental management is going to be the fastest growing area of industry, public services, and the economy for at least the next decade and probably much longer. I rest my case on the assumptions I have stated about the economy and about the environment, on the few projections available, on educated hunches that democratic processes are ideally suited to respond to a youthful fervor for revolutionary, though peaceful, social change, and on the belief that the young people of America are not going to drop the environmental cause.

The table below lists, by major disciplines, the total environmental manpower available in 1970 and what I estimate will be the needs of 1980.

	Practitioners in 1970	Practitioners needed 1980
Ecology	4,300	12,000
Geology	22,800	33,400
Geophysics	6,800	10,400
Meteorology	4,000	12,000
Oceanography	5,800	40,000
Forestry	25,000	37,000
Forestry Aids	13,000	23,800
Range Management	6,000	8,000
Soil Conservation	26,000	30,000
Wildlife		
Conservation	15,000	20,000
Fisheries		
Conservation	4,500	7,500
Recreation and Parks	215,790	220,000
Architecture	34,000	61,600
Engineering		
(Construction and Consulting)	40,000	70,000
Landscape		
Architecture	8,500	14,500
Urban Planning	7,000	16,600
Environmental Protection	217,500	565,000

As the figures show, I believe that the five areas of environmental management—ecology, earth sciences, resources and recreation, environmental design, and environmental protection—will grow from 655,990 professional and paraprofessional jobs in 1970 to 1,181,800 such jobs by 1980—close to an unprecedented doubling in one decade.

Who will mobilize and energize the resources to motivate and recruit the needed young men and women . . . to build and expand the schools to educate them . . . to develop the science and technology to enable them to solve our pressing environmental problems . . . to expand our economy so that we can afford to do what we want to do . . . to send to Washington, and the statehouses and coarthouses, statesmen and politicians and public administrators who will develop the needed programs?

All of us will.



lines of inquiry

Any assessment of challenges to government at all levels must include analysis of its role in the economy, from regulation to subsidization.

Many important decisions are now being made and will continue to be made in the future which will condition the shape and direction of economic growth in Oregon. Some of these decisions are made de facto due to the absence of policy, while others will be decided formally in the legislature, or by the public via initiative and referendum.

Therefore, students should become aware of the important issues surrounding questions of economic development and the government's role. This should lead to exploration of alternative ways in which the economy may be diversified.

Opportunities for exploration of new careers abound in any study of economic development.

action ideas

Evaluating Knowledge. What do your students know about Oregon's economy? The class as a whole may develop a list of the major industries that they think make up Oregon's economic base and then small groups might speculate as to the rank order. The actual statistics can be given via overhead projector, thus providing a vehicle for discussion of the concept of economic diversification and Oregon's need for it.

Keeping Current. Secure a free subscription to the bimonthly periodical, *Grow with Oregon*, published by the Economic Development Division, 136 State Office Building, Portland, Oregon 97201. This magazine presents broad-range coverage of economic growth in Oregon and can be used to gauge efforts to diversify Oregon's economy.

Resources

Teachers Guide to Economics, Grades 1-8. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1968. (Specify grade level desired.) Presents economic concepts for each grade level; suggests classroom materials and activities.

A Fiscal Program for Balanced Federalism. 1967. Committee for Economic Development. 477 Madison Avenue, New York, N.Y. \$1.

Goals for a Livable Oregon: An Action Partnership for the '70's. Executive Department of the State of Oregon, State Capitol, Salem, Oregon 97310. December 1970.

Oregon State Government for the 1970's. Project 70's Task Force. 1968. (Available in the State Library.)

Selected Statistics on Oregon's Revenue, Expenditure, and Economy. Oregon State Tax Commission, Salem, Oregon 97310. January 1969.

supporting information

planning

THE NEED FOR A BROADER BASE

Oregon has had a largely resource-oriented economy, but the demands of a growing population have created the need to broaden the base of industrial development away from its heavy reliance on lumber, wood processing, and agriculture.

Forest products, including lumber and plywood, and paper and allied products, continues to be Oregon's leading industry. The harvesting and processing of timber into a wide variety of products accounts for nearly half of the state's 5,000 manufacturing establishments, about half of its manufacturing employment, and approximately half of the value added by all of the state's manufacturing industry.

The metals-related group of industries, including primary metals, fabricated metals, machinery, and transportation equipment have been the state's pacesetters in growth of manufacturing. In the ten years between 1959 and 1969, employment in the metals industry almost doubled, rising from 23,000 to 47,700 or more than one-fourth of the state's total manufacturing employment. Now in second place, it is likely the metals group will

economic development

be challenging forest products for first place in Oregon's economy.

Agriculture is a major industry, and agriculture is the base for an expanding food processing industry where an average of 21,000 persons are employed in canning, freezing, and other operations. According to the Governor's message to the 1971 Legislative Assembly, with continuous developmental research, Oregon can hope to capitalize on an additional agricultural potential in excess of \$100 million.

Tourism, another important contributor to Oregon's economy, has an impact on a number of industries and activities, including retail and wholesale trade, services, and transportation.

Manufacture of travel trailers and mobile homes has blossomed into an important new industry for the state. In 1969 this industry announced 13 new plants and expansions, creating a total of more than 1,300 jobs.

Government's Role in Economic Development. Activities of the federal government have a powerful impact on the economy of Oregon. The *Oregonian's* business editor wrote, early in 1971, that "the economy is something like a toddler just learning to walk and the government takes it by the hand and walks it along a step at a time. Money for mortgages is taking the housing industry along; easier credit for the consumer is expected to step up the heavy goods buying, and new funds for capital goods for industry are expected to ease the cost of manufacturing consumer goods eventually. As with the toddling tot, as soon as you take away the supporting hand the economy has a tendency to sit down. That's what happens every time Washington gets frightened with inflation tendencies and takes away the reassurance of easy money."

Federal fiscal and monetary policies also have a powerful impact on employment trends in Oregon. Testifying before the Senate Subcom-

mittee on Employment, Manpower, and Poverty early in 1971, the Secretary of Labor urged legislation "to support permanent reforms which provide state and local governments with sustained resources to meet their communities' employment and job training needs" rather than categorical, piecemeal allocations to states. "No single legislative proposal or categorical federal program can approach in overall employment generation a far-sighted, well-planned series of national fiscal and monetary policies:

- (1) A fiscal and monetary strategy expected to yield millions of additional jobs over the next 18 months
- (2) General revenue sharing, which could generate hundreds of thousands of new jobs providing essential state and local government services
- (3) Welfare reform, which, as a part of its total impact, would include a significant amount for utilizing public service jobs as a device for getting people off welfare rolls
- (4) Manpower revenue sharing, providing state and local governments with the broadest discretion in using manpower funds for needed job training, including public service employment."

Considerable concern has been expressed about the uncertainty of Oregon's tax revenues because of the state's dependence upon the volatile forest products industry. Meanwhile, the steadily rising cost of governmental programs experienced in the 1960's is expected to accelerate in the 1970's. The state thus faces rigidity or nonmaneuverability on the expenditure side against a fluidity and unreliability on the revenue side.

Changes in the tax structure cannot be expected to meet this problem. Consequently, a vigorous but selective expansion of the state's economic base is needed in order to provide

lines of inquiry

With the advent of the four-day week, increased leisure time for a large segment of the population will pose important problems, not only for the working man or woman who must learn new ways to make constructive use of extra leisure hours, but for schools, colleges, adult education, business and industry, and almost every governmental agency.

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Students could carry on a continuing search for new careers opening up in the arts and in recreational fields, as well as examine the need for new concepts in governmental policy making and allocation of resources for community arts and recreation programs.

action ideas

Starting a Business. Students can become familiar with at least one dimension of government involvement in the economy by adopting the hypothetical role of a person wishing to start a business. What permits will be needed? What ordinances apply? What subsidies are available? What state laws will apply (charters, taxes, employee regulations, etc.)? How does one find out about all this?

Note: Check with appropriate agencies on state, county, and city levels: Commerce Department, Corporation Division, on the state level; licensing department on the city level; county commissioners; Small Business Administration (Portland) on the federal level.

Resources

Oregon Business Review. Bureau of Business and Economics Research, University of Oregon, Eugene, Oregon. Usually contains a single article on some Oregon business topic and a statistical review of Oregon business trends. Published monthly.

Inventory of Economic Studies and Data Sources for the Pacific Northwest. Economics Subcommittee, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660. Describes economic studies done or in progress to date in the fields of agriculture, employment, forestry, government, income, land, manufacturing, power, recreation, trade, etc., for Idaho, Montana, Oregon, and Washington. Periodically updated.

Goals for a Livable Oregon: An Action Partnership for the '70's. Executive Department of the State of Oregon, State Capitol, Salem, Oregon 97310. December 1970.

Oregon Blue Book. Oregon Secretary of State's Office, Salem, Oregon. Biennial. (Also available from the Documents Clerk, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.)

supporting information

sound and sustained growth in Oregon's economy and thereby develop an adequate tax base to finance essential but growing public services.

It is through the growth of diversified manufacturing that Oregon hopes to provide the 15,000 to 20,000 new employment opportunities needed annually to take care of the natural increase in population—the young people entering the labor market from Oregon's schools and colleges. However, further economic development should emphasize smokeless activities rather than extractive resource-exploiting activities and a better balance overall needs to be achieved.

Such selectivity will not be automatic. It will require careful policy development and then the full coordination of the private and public interests involved, as well as the cooperation of local-jurisdiction state agencies and educational institutions.

If the state fails to take the initiative in developing policies in this area, proposals for industrial expansion will be forced on public bodies as isolated cases and long-term interests of the state will stand a greater chance of being compromised or sacrificed.

Other ways (suggested by the Governor) for broadening Oregon's economic base are to:

Strengthen Oregon's foreign trade position by establishing an inter-

national trade unit within the Division of Economic Development.

Establish a small but full-time state unit to continue the effort to encourage sales of Oregon products and services to the federal government, based upon evidence that the volume of Oregon's sales to the world's largest buyer in Washington, D.C. could be doubled.

Establish a state housing authority with a \$200 million bonding capacity to assist in financing low and moderate-income housing.

The Economic Potential of Recreation and Cultural Activities.* Perhaps the most lucrative, nonpolluting source of economic growth is tourism.

Near Wheatland Ferry

Willamette Park Project Unveiled

Wheatland Ferry will be the center of a 1,500-acre park that will extend along both sides of the Willamette River if plans of the Parks and Recreation section of the State Highway Division are realized.

Ray Wilson, state park land supervisor, said the park will cost \$750,000. As proposed, it will extend from Wheatland Ferry north on the west bank of the Willamette River and south on the east bank in Marion, Polk and Yamhill counties.

Wilson said it would be called Lone Tree Bar State Park and will offer boat launching facilities and picnic and overnight camping areas.

Wheatland Ferry park is one of five planned under the Willamette River Greenway plan. Together they will total 4,500 acres. Except for 700 acres, all will be located in the Mid-Willamette Valley.

Wilson said the state hopes to have the sites bought in the next biennium so development can start in 1973.

The other proposed parks include:

- Dexter dam, 700 acres north of Eugene in Lane County.

- Norwood Island, 900 acres south of Corvallis in Linn and Benton counties.

- Lower Kiger Island, 1,000 acres between Albany and Corvallis in Linn and Benton counties.

- Molalla River Park, 440 acres at the confluence of the Molalla River with the Willamette, just north of Wilsonville in Clackamas County.

Plans for a system of parks along the Willamette River were started last summer at the direction of Gov. Tom McCall. He suggested that the State Park and Recreation section take the initiative in park development be-

cause counties along the river were unable to raise money to qualify for matching funds to create their own parks.

Champoeg Park in north Marion County is the only park of any size in Marion County at present. It covers 500 acres along the Willamette River. Wilson said the state hopes to increase it by purchasing an additional 30 acres of river front and forested area.

From the Oregon Statesman.
action groups all over the state.

Oregon does not have a government-wide policy on the development of the state as a recreation and vacation center. Many state agencies are actively engaged in providing roads, parks, fish and game, and boating facilities, and they tend to work well together. But other state agencies such as the State Economic Development Division, the Oregon Arts Commission, the State Library, the State Boards of Education, the State Fair Commission, and the Racing Commission have no well-defined part in a statewide recreation and vacation development effort.

Moreover, no organizational means exists for bringing all these agencies together to see what can be done to combine and coordinate their overall resources, interests, and objectives with a view to encouraging sound, long-term recreational and cultural development of the state.

Oregonians commonly view the state as a major recreation and vacation area. Some differences of opinion exist, however, on whether the state should be actively developed as a recreation and vacation center, or be left as much as possible in its natural, undeveloped state. Clearly, many Oregonians fear "Californization" of their state, and simply do not want anything done to attract hordes of visitors from in or out of state to clutter up their parks, beaches, mountain areas, and hunting grounds.

Others see the state's natural environment as one of its major economic assets and argue that the whole economic strength of the state could be enhanced, and its tax base deepened and broadened, if recreation and vacation possibilities were carefully exploited.

While these debates go on, in somewhat theoretical terms, individual citizens, development companies, chambers of commerce, and others are proceeding with many kinds of projects to encourage tourism. Cottages and vacation home developments are being built in all kinds of recreation areas, lake front hideaways are rapidly being developed, motels are springing up everywhere, forest roads are being cut through, and more communities are trying to establish annual festivals and other inducements to lure Oregonians and outside vacationers.

In other words, the issue is being settled by the individual actions of the private sector and by community

*Governor's Project 70's Task Force, *op. cit.*

lines of inquiry

action ideas

supporting information

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Resources

Boyle, Richard F. *The Present and Future Role of Industrial Forest Land of Oregon in Outdoor Recreation*. Unpublished master's thesis. Department of Natural Resources, Oregon State University, Corvallis, Oregon. (Available from the Oregon State University Library.) Surveys recreational opportunities, including public parks, presently available on private industrial forest lands. 1964. (Other master's thesis available on resources for recreation in specific regions of Oregon. Ask for a list to determine if your region is included.)

Recreation Survey of the Pacific Northwest Region. Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660.

Oregon Recreation Briefs. Oregon Highway Division, Salem, Oregon 97310. Reports on legislation, new publications, conferences, personnel changes, and employment opportunities of interest to those working in the recreation field. Published monthly.

A 20-Year Program for Oregon State Parks. Oregon Highway Division, Salem, Oregon 97310. Projects recreational needs and requirements in Oregon to 1975. (Ask for a publication list of other Highway Division reports, pamphlets, studies, etc.)

A Survey of Private Outdoor Recreation Facilities in Rural Areas of Western Oregon. Oregon State University and the U.S. Department of Agriculture. Economic Research Service, Oregon State University Corvallis, Oregon. 1964.

Also, certain assets of the state have not been really exploited for recreation and vacation purposes. For example, despite the magnificent farms and ranches in Oregon, surprisingly little has been done to develop a farm and ranch vacation industry. For really modest investments farms and ranch enterprisers could provide an excellent change of pace and scenery for city families and profits for themselves.

In another area, namely education, just a few institutions of higher learning have recognized the potentialities of a "vacation college."

Actually, a college in Oregon is an ideal place for a family summer vacation. The family lives in a dormitory and can have inexpensive meals either there or at nearby eating places. During part of the day members of the family can attend lectures and classes of interest to them. Or some of them can shop or attend shows and other attractions. Afternoon and evenings usually are free for family activities. Weekends are free to visit the ocean shore, the forests, lakes, scenic wonders, museums, or to hunt for rocks.

In their regional hearings, printed reports, and community meetings, the Governor's Planning Council on the Arts and the new permanent Oregon Arts Commission have documented the extensive interest in the arts in every part of the state and the rich artistic talents found in so

many communities.

The Planning Council's recent and extensive report on the arts in Oregon noted, however, that many of Oregon's art organizations, even the better known ones (the Oregon Symphony and the Shakespearean Festival), are in chronic financial difficulties.

The report also noted that the people in many of Oregon's communities rarely, if ever, see or hear first-rate artistic performances or works of art. Much more could be done, through imagination, cooperation, and better information, to bring art works and performances to the people.

In the art field, the Friends of the Museum, a private statewide group in support of the Museum of Art at the University of Oregon, has shown through its Statewide Services Program how much can be done to bring the arts to the people. With relatively small amounts of private money, matching funds from the federal government through the Oregon Arts Commission, and with a truck provided by the State Division of Continuing Education, the Statewide Service Program this year alone provided 86 art exhibitions and demonstrations in 34 Oregon communities, from Astoria to Ontario to Lakeview.

Looking into the 1970's, the need for leisure time facilities and opportunities for Oregon's people can only grow. People not only will have more leisure time, but every indication seems to show that they will want to make more satisfying use of it. Also, there will be many more people.

Our parks, campgrounds, ocean beaches, and other outdoor recreational facilities even now are feeling the pressure of crowding, and they show the wear and tear of long-term mass use.

Our urban communities have hardly begun to react meaningfully to the enormous demand that exists for in-town recreational facilities for all age groups. Even in an outdoor state such as Oregon, the number of aged, infirm, and poor people of all ages who never get out into the countryside is substantial.

Community centers such as the Albina Art Center in Portland have demonstrated the fact that a wide range of age groups and interests can find many happy and constructive things to do with leisure time.

Other community centers such as Sheldon Mead-

ows in Eugene, a model of its kind, range in day-long and evening activities from indoor athletic programs for all ages to square dancing.

During the 1970's, many more such in-town facilities and activities will have to be developed to enrich the leisure time of hundreds of thousands of additional urban dwellers living in Oregon. Rising urban tensions stemming from many social and economic causes, including increased crowding, give added importance to the need for careful planning of coordinated measures to deal with the mounting demand for urban recreational programs.

Critical in this planning will be the role that Oregon's universities and colleges can play in helping to develop and conduct well-rounded programs for the preparation of an adequate number of community center directors and assistants—a need not met today and only barely recognized.

Efforts to cope with all of the above-mentioned problems are complicated by the wide dispersment of responsibilities and the lack of adequate funds.

Most of the responsibility for developing leisure-time facilities and opportunities lies quite properly in the private sector. Many of the cities and counties long have operated park-type recreation activities and some sports and other in-town community recreation centers.

The state government's role in recreation activities has largely been limited to developing fish and game resources and creating roadside parks.

In the past decade, the surge of interest in camping and the mass production of house trailers have put heavy burdens on the Parks and Recreation Section in the Highway Division. Likewise, the phenomenal increase in pleasure boating led to the creation of the Marine Board in 1959, and the workload of that agency has increased steadily ever since.

For general perspective, the Project 70's Task Force notes that the activities of the following state units could have considerable unrealized potential for helping to meet the state's rapidly mounting demand for leisure time facilities and cultural and vacation opportunities in the 1970's.

The Highway Commission. (In addition to the excellent work of the Parks and Recreation

lines of inquiry

A study of the extent to which government is involved in the regulation of economic activities and the historical reasons for such involvement can be used to help students examine their own attitudes concerning what the role of government should be. They should be encouraged to read the arguments of both "conservatives" and "liberals" and think about the implications of each approach to government for their own lives.

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action ideas

Using Newspapers. Students may, over a period of time, collect articles from newspapers dealing with government involvement in the affairs of business, either to "regulate" or "subsidize." This exercise should help students define what is meant by these two terms, as well as to illustrate the extent of government involvement.

Case Studies. Students can be made aware of the extent to which federal economic policies affect state and local governments down to the smallest school districts by studying the effect of the President's 90-day wage-price freeze in 1971. A good source for this kind of study would be the Attorney General's Opinions that were issued in response to requests from state agencies involved in administering the freeze. Write to the Attorney General's Office, State Office Building, Salem, Oregon 97310. (See also page 31.)

Resources

Heilbroner, Robert. *Worldly Philosophers*. Simon and Schuster, 630 Fifth Avenue, New York, N.Y. Clarion paperback, \$1.95.

For keeping abreast of the continuing political debate between conservatives and liberals regarding governments economic involvement, students may refer to these weekly journals of opinion (such as the *National Review*, and the *New Republic*) which represent both points of view.

supporting information

Section of the Highway Division, the Highway Commission also carries on a very imaginative and growing program of tourist promotion. This program also has values for state economic development and promotion.)

The Marine Board (boating)

The Oregon Arts Commission

The State Library

The Game Commission

The Department of Agriculture (farm and ranch vacations)

The State Fair Commission

The Racing Commission

The Department of Geology and Mineral Industries (rock hounds)

The State Board of Education and the State System of Higher Education ("Vacation colleges," cultural activities, sports, continuing education, and career preparation programs for the whole field of leisure time and cultural services. Also, somewhere in the college and university system attention advantageously might be given to the development of a program in hotel-motel management. The whole state is dotted with such facilities, and the need for competent staff can only grow.)

ECONOMIC REGULATION FOR CONSUMER PROTECTION*

The regulation of private economic activity and the protection of citizens from the physical hazards of working and living in a modern technological society are major related functions of state government.

In our modern, complex, interdependent economy, individuals who buy goods and services and sell their labor often are highly dependent upon the actions of others they do not know and over whom they have no control. Therefore, citizens look to the state to establish and enforce some minimum standards of justice, honesty, and safety in the marketplace for goods, services, and labor.

According to the Project 70's Task Force report, "Many economic regulation programs have been operated more as government-sponsored trade associations for organized economic interests, than as programs for the protection of consumers and employees. Lip service to consumers and sensitivity to the power of organized employee groups have been more common in these programs than government responsiveness to the individual buyer and the individual worker."

While this responsibility has been a basic consideration in theories of government economic regulation for many years, it has been much less evident in practice.

With this in mind, the 1971 Legislative Assembly created a Consumer Protection Division in the Attorney General's Office and the Commerce Department** so that the interests of consumers could be communicated more effectively to government, and responsibility for consumer protection could be firmly fixed.

In addition, the Project 70's Task Force has predicted that many of the programs established for consumer protection in specific industries years ago will have to become, in fact, more consumer-oriented in the years ahead.

Those who produce goods and services and buy human labor also have a strong interest in the standards the state sets for fairness, honesty, and safety in the conduct of private economic transactions. Some business groups welcome the establishment of basic standards in the marketplace,

as ways of keeping competition within the bounds of healthy rivalry and preventing the pressures of excessive competition from leading to misrepresentation or disintegration of standards in the economic system. They assert that standards lead to confidence, and confidence is good for business. Others argue that the state should refrain from engaging in economic regulation. The market, they say, will regulate itself. (See page 97.)

Most producers, while neither welcoming economic regulation nor denying its necessity, accept the fact that the state is involved, and seek either to keep the level of regulation at a minimum, or seek to make the state's regulatory activities responsive to the needs of business.

Regardless of the arguments from various segments of the economy, economic regulation is with us, and myriad state and local government boards, agencies, commissions, and committees are involved in regulating Oregon's economy. (See page 340.) Following is a partial listing:

(1) Agriculture. Growers of 16 commodities have formed self-help commodity commissions (appointed by the Governor) under state law to provide research and promote their products. Oregon State University, through its School of Agriculture, Cooperative Extension Service, and Experiment Station, plays an important role. The State Department of Agriculture plans long-range development of agricultural resources and administers and enforces laws and regulations covering grain, milk, livestock, dairy and consumer services, horticulture, and veterinary services.

(2) Air and Water Port Activities. The Oregon Board of Aeronautics,* financed by a small tax on aviation gasoline, jet fuel, and aircraft registration, is responsible for the development of airports, airways, airplane industries, and aviation. Twenty-three port districts serve the state. The State Ports Division and the Department of Transportation provide the ports a meeting ground for the coordination of activities. (See page 42.)

(3) Commercial Fishing. The Fish Commission promulgates regulations to control harvest and avoid injury to the ultimate supply of fish and shellfish. There are a total of 218 people employed by this agency to manage the food fish and shellfish resources of Oregon.

*Ibid

**The Department of Commerce created a consumer unit by administrative action.

*Now the Aeronautics Division.

lines of inquiry

Patterns of government regulation of private enterprise are being challenged. Fundamental assumptions that seemed valid in the past are becoming difficult to defend. Students may profitably examine such questions as who should be represented on regulatory boards and how they should be made accountable.

action ideas

Making a Case. Student research may prove or disprove these hypotheses:

- (1) The economy is healthiest when regulation is at a minimum.
- (2) History supports the idea that government regulation of the private marketplace is necessary.
- (3) The future will see more regulation in the interest of the consumer.
- (4) Regulating agencies (should/should not) be dominated by representatives of the economic interests they regulate.
- (5) The slogan "What's good for business is good for Oregon," should guide government regulation policy.

Resources

Ratcliffe, Robert H. *Law and the Consumer*. Justice in Urban America Series. Houghton Mifflin Social Studies Program, New York, N.Y. 1970.

Suggested Guidelines for Consumer Education, Grades K-12. The President's Committee on Consumer Interests, Washington, D.C. 1970. Copies can be obtained free through Consumer Education Consultant, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.

Useful teaching materials include:

Leinwald, Gerald. *The Consumer*. Problems of American Society Series. Washington Square Press, 630 Fifth Avenue, New York, N.Y. 1970. 75 cents.

supporting information

(4) Commerce. Under the supervision of the Department of Commerce, a total of 12 boards and agencies regulate commerce through licensing and inspection, including accountancy, architecture, auctioneering, banking, collection agencies, corporations, engineering, insurance, landscape architecture, pilots, real estate, and watchmakers.

(5) Forestry. The State Forestry Department, in addition to managing state-owned forest lands, administers fire protection laws on 16 million acres of forest land; enforces the Forest Practices Act, Oregon's Log Patrol and Log Brand Acts, Small Tract Optional Tax Law, and the forest land classification program for fire patrol, etc.

(6) Professions. Professional regulation and licensing is conducted by boards or agencies for cosmetic therapy, dentistry, education, funeral direction and embalming, health, medicine, nursing, practical nursing, optometry, pharmacy, physical therapy, podiatry, psychiatry, and psychology.

The Project 70's Task Force has predicted a considerable change in the orientation of government agencies concerned with regulating labor and industry in the next decade. "When laws regulating certain businesses and occupations were established, they generally were assigned for enforcement to boards representative of the businesses being regulated. When several of these boards were reorgan-

ized into a Department of Commerce in 1963, the new department was headed by a businessman intended to serve as the spokesman for business in state government. Such organizational decisions apparently were based on the idea that if business is to be regulated, business should be reassured that the regulations will be enforced with the interests of businessmen in mind.

"Similarly, when laws protecting workers in their employment relationships were passed, they were assigned to the Bureau of Labor, to reassure workers that laws would be enforced by

being licensed, to reassure persons in that occupation that the state's authority would not be used against their interests.

"Thus, the pattern for organizing economic regulation has been to place the responsibility for enforcement in an agency responsive to the interests of the group being regulated. But such a pattern is no longer suitable at a time when government is being held to strong standards of action in the public interest, and consumer's needs are becoming more actively and insistently presented to government."

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osu gets sea grant*

Corvallis—The largest sea grant in the four-year history of the program, \$1.7 million, has been awarded to Oregon State University. The grant, for research, education, and advisory services, was announced Monday.

In 1968 OSU was among the first three institutions in the country to become a sea grant center. Its first grant was approximately \$800,000. The 1970 grant was \$1.4 million.

"The OSU sea grant activity has grown at an unusually fast rate while maintaining very high quality in pursuit of sea grant objectives directly related to the state's marine requirements," according to the U.S. Department of Commerce.

The program is conducted cooperatively with the University of Oregon School of Law, Clatsop Community College in Astoria, and several agencies of the State of Oregon. Herbert F. Frolander is the coordinator of the program.

Matching funds from nonfederal sources will amount to more than \$850,000 this year. They will include an appropriation for sea grant work by the legislature, other state support and industry contributions.

OSU is now trying to integrate all university marine advisory programs on the Pacific rim, including those of Canada, Alaska, and Hawaii. The National Marine Fisheries Service is included.

The OSU program emphasizes development of fisheries and

*Salem Capital Journal.

the utilization of the Oregon coast. New activities for this year are directed toward increasing the efficiency of small boat fisheries through research and advisory services.

Sea food technology research, closely tied to marine economics and marine law, is directed toward aiding the local sea food processing industry.

In the coming year these projects will be expanded to include more industry participation, additional teaching and development of techniques to use wastes. Research to improve the use and conservation of Oregon's marine resources includes coastal oceanography, which provides weather information to sport and commercial fisheries.

Ocean engineering projects include fishing gear mechanization, underwater acoustics to locate edible marine life, and the establishment of processing standards for shrimp and crab.

A major aquaculture project is an experimental hatchery for introduction of chum salmon to the Oregon fishery industry. The project is also developing methods for acclimating Chinook and hybrid salmon to sea water, developing hatchery systems for oysters and clams and selectively breeding oysters for improved strains.

A major portion of sea grant research and teaching is conducted at the OSU Marine Science Center at Newport, where the OSU sea grant marine advisory program is centered.

someone who reflected the interests of the working man.

"When consumer protection laws were passed to ensure the quality of food, meat, and dairy products that would be offered for sale to the consumer, the functions were organized into the Department of Agriculture to reassure farmers that the laws would be enforced with due regard for the interest of agricultural producers.*

"The multitude of independent licensing boards, established ostensibly to assure the consumer of the quality of services he would receive, were made up of representatives of the occupation

Taxes as a Means of Regulation. Taxation of business can affect what is produced and where it is produced. Taxes on the products or activities of one business can affect the costs of another business. Taxes often determine how businesses use resources and distribute profits. Taxes are sometimes used for other purposes as well.

(1) Taxes on tobacco and alcoholic beverages are used both to produce revenue and to discourage the use of these goods.

(2) In addition to raising revenues, Oregon's timber tax policy was intended to encourage

*A 1971 law adds two additional members to the State Board of Agriculture to represent consumer interests.

lines of
inquiry

action
ideas

supporting
information

good forestry practices among
timber owners.

(3) The federal government uses taxes called tariffs to discourage or encourage the importation of certain goods into this country. (At one time, tariffs were the largest source of revenue for the federal government, and, believe it or not, at that time the federal government had a surplus in the treasury. Today, tariffs are primarily a control device and produce less than two percent of the budget receipts of the federal government.)

Economic Regulation for Non-Economic Purposes.* Economic regulation for protection of the weaker party is traditional, but a growing trend in this decade will be the regulation of economic activity for the purpose of attaining noneconomic goals related to the quality of living. The focus of government action to preserve and enhance the quality of the environment—through air and water pollution control, scenic preservation, open spaces, preservation of wilderness areas, control and disposal of solid wastes, litter and junk, and prevention of blight—presents an area of conflict not between segments of the economy, but between all of these, the economic-oriented, and the noneconomic-oriented.

Thus, the role of the Economic Development Division, which was transferred to the Governor's Office in 1971, is to sustain a level of economic

*Governor's Project 70's Task Force, *op. cit.*



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activity in the state which will support a high standard of living for the citizens of Oregon while maintaining the state's quality environment and livability.

In order to fulfill this role, the division conducts a number of activities intended to increase industrial development capability at the com-

munity level to identify opportunities for growth and diversification, to initiate interest and action in those opportunities identified, to improve economic decision-making and increase awareness of the nature of Oregon's economy, to assist industry in the application of new technology, and to broaden the economic base.

lines of inquiry

42 An excellent opportunity for students to come to grips with the question of government subsidies is offered through a critical examination of government's responsibility for developing several kinds of transportation networks. In order to clarify their own attitudes toward priorities for revenue allocation, students should learn to make careful analyses of both direct and indirect benefits from various types of government programs and revenue allocations. For example: Who benefits (directly and indirectly) from existing subsidies of airlines and automobiles? From proposed subsidies for mass transit systems? For other major government allocations of revenue for education, welfare, public safety, etc.? Who pays for each program? Are present allocations equitable for the greatest number of people, both in terms of benefits and burdens? Supporting information for this kind of inquiry is also provided in Part II.

action ideas

Simulation. Play "Railroad Game," in the student booklet *The Railroad Era*, published by American Education Publications as part of the Harvard Public Issues Series. The game simulates railroad competition in the 1870's and can be a useful device to give students insight into how the unregulated marketplace operates.

Community Service Project. Students may wish to collect data on the transportation situation in their own communities and use it to discuss future needs. If the statewide projection of motor vehicles doubling in this decade is thought to be true for your area, what, besides highway construction, can be done to forestall the problem? Projects could be developed which would give students experience in community planning, the problems of coordinating related activities of many agencies, winning community support for an idea, collecting relevant data, writing ordinances or legislation, lobbying, etc.

Resources

Astle, David J. *Description and Analysis of Oregon's Fiscal System, Area 19—Finance of Transportation—Part One: Financing of Highways*. University of Oregon, Eugene, Oregon. January 1971.

The Traffic Snarl. Film: 60 minutes, black and white. Present examples of automobile congestion and anticipated means for coping with it. * \$12. Order No. CS-1803.

Noise: The New Pollutant. Film: 30 minutes, black and white. Demonstration and research projects on the effects of noise on human beings. *\$6.75. Order No. FS-1196.

A Matter of Acceptable Risk. Film: 30 minutes, black and white. Methods of aircraft control and risk computation. *\$6.75. Order No. AS-63.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

supporting information

TRANSPORTATION AND THE ECONOMY*

Transportation, like communications, has a special character because it controls so much else. Good transportation can open up a country; bad transportation can hobble it. Jobs, industry and commerce, food supply, health services, recreation—indeed, the entire future of Oregon's cities and the character of its countryside and environment—are directly dependent upon the kind of transportation system the state develops.

Oregonians obviously have an enormous stake in transportation services. For both selling and buying goods and produce Oregon is utterly dependent on long-haul transportation. Moreover, the state's geographic location complicates its ability to compete in natural and world markets. The lumber and wood products and food industries are highly competitive and dynamic. When quality and other factors are about equal, an advantage or disadvantage in motor, air, or rail freight rate charges, a regional boxcar shortage, or any of a number of conditions affecting transportation service conditions can spell the difference between the acceptance or rejection of Oregon products.

For Oregon, this can mean the difference between prosperity or recession.

During a recent year, according to studies by Professor Roy J. Sampson, Professor of Transportation at the Univer-

*Ibid

sity of Oregon, rail traffic with a point-of-origin value of more than \$2 billion originated in Oregon. In the same year the state's water traffic made an additional contribution of more than \$800 million. Truck and air freight activity are also very substantial.

Oregon also has high stakes in transportation-based commercial activity, including wholesaling, storage, trucking, and shipping. Port activities provide considerable income to the state and employment to many thousands. Other thousands of Oregonians are employed in industries dependent on transportation.

State Seeks Way to Meet Transit Needs of Yamhill

PORTLAND (AP) — Dennis Moore, administrator of the state's Mass Transit Division, said Tuesday legislation is needed to solve the transportation problem in Yamhill County. He said legislation would allow

the establishment of a public service district which could contract with Tri-County Metropolitan Transportation District (Tri-Met) for bus service.

The county has been without public transportation, except for three daily Greyhound Lines runs since Jan. 1. Tri-Met discontinued service then in accordance with a ruling by Atty. Gen. Lee Johnson that Tri-Met could not provide service outside Multnomah, Clackamas and Washington counties.

Moore said it was probably too late to introduce any new bills to the legislature this year.

"It seems our only hope is to amend or change current bills in the hopper," he said.

The Mass Transit Commission said at Tuesday's meeting it has asked the attorney general for an opinion on use of school buses for public mass transportation.

Commission members said they would launch a three-month study of the subject and probably conduct a pilot project if

the attorney general okays use of the buses.

The vehicles would be used mostly in nonurban areas and would serve as transportation for the elderly and others wanting to go shopping, or to visit doctors, hospitals or public buildings.

State Mass Transit Division funds would pay for the study, and a special director would be hired to head the research.

(7) Urban and interurban mass transit planning is only in the beginning stages in Oregon today, although this type of transportation could well be a major determinant of the way the state develops from this point on.

Although Washington and Oregon have many common transportation characteristics and needs, it nevertheless is a fact that the two states are engaged in a long-term competitive commercial struggle in the air and on the land and sea.

The outcome of this duel will depend, first, on which state develops the best means for following and interpreting the many dramatic and yet often subtle technological changes taking place in transportation, and second, on which state develops the best capacity for taking necessary and effective action.

Marine Transportation. Shipping operators increasingly are acquiring ever-larger and more economic vessels. In the 1970's, ports and channels that cannot receive and service such vessels will find that their share of shipborne commerce will steadily drop. Unless ports deepen their channels and improve their ship-handling capacities, or develop some competitive and safe system for floating cargo units off large vessels from the point where those vessels cannot travel further, they will face an uncertain future.

The Port of Portland's major problem is the trend to ever-larger cargo vessels which may force the locus of ocean shipping activity to shift from Portland to Astoria because of Portland's channel limitations. The consequences of such a shift for Oregon would be enormous. A large part of the economy of the whole state is tied up with the question of whether Oregon retains one of the world's great ports, or loses the race to Seattle.

Only a broad, carefully coordinated program will enable the state to take the necessary action in time.

In this connection it should be understood that development of the Astoria area as a major freight transfer center would involve a revolution in conditions along the lower Columbia River. Dredging and engineering work would be needed to assure an adequate approach to the Astoria area by the largest types of freighters.

As Oregon faces the 1970's, its transportation system and, therefore, the future of the state, are in serious and growing trouble.

- (1) Its truck freight routes are unbalanced, and some of Oregon's communities are ill-served
- (2) Rail passenger service is almost dead
- (3) Auto, bus, and truck transportation all are competing for the use of the same highways, and the highway loads are steadily rising
- (4) Portland's air facilities already are clogged, and the alternative methods of easing the problem are not only limited but very controversial
- (5) Portland as a seaport faces an uncertain future because of technological changes in the world shipping industry
- (6) A general port development in Oregon is unbalanced, with the smaller ports lacking the resources for sound and timely development

architect envisions mass

By Paul Pintarich
Staff Writer, The Oregonian

Why not build a colorful little cable car that would zip around Portland and carry happy passengers in bell-clanging fun to the city's old town district?

How about lengthening the zoo train line into a tourist railway? Float passenger ferries across the river? Rebuild some trolley lines and provide places for bicycles and people to go?

Why not begin de-emphasizing the freeway, the automobile, gasoline buses and begin planning a total-experience environment that will make the city a place to live in again?

Bearded, excited, moving, his arms waving expansively, Edward Wagner, architect and Portland city planner, says, "Mass transit can be fun!"

Though Portland is small, it should think big, claims Wagner, who has seen the biggest cities and how they move their people around.

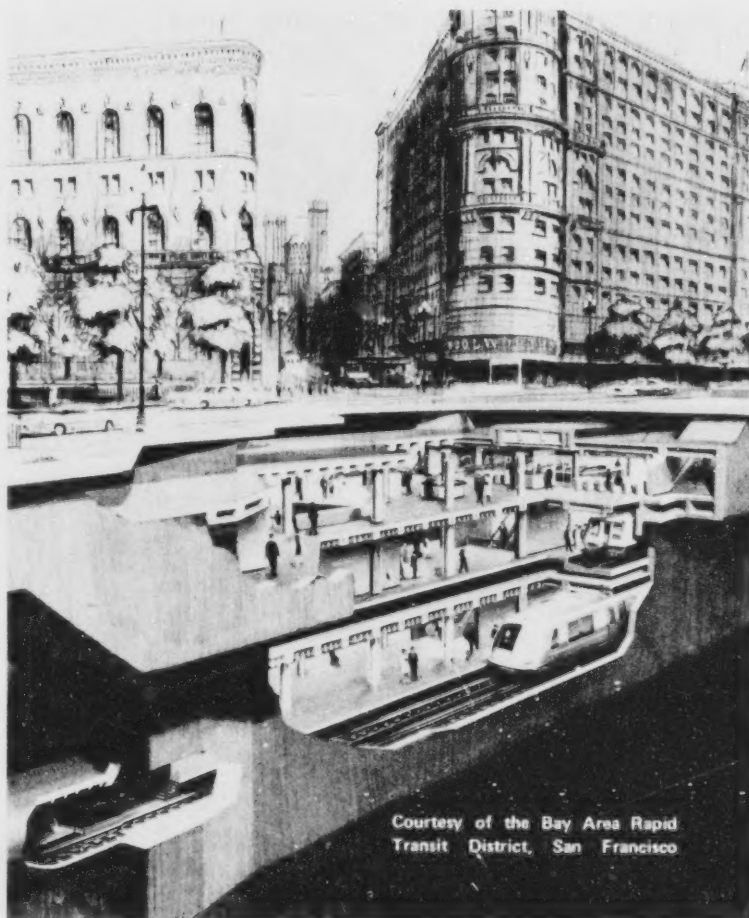
Recently Wagner was one of 30 persons selected by U.S. Secretary of Transportation John Volpe to attend a six-week urban transportation seminar at Carnegie-Mellon University in Pittsburgh.

Other Cities Toured

After four weeks of lectures the group spent two weeks touring transportation facilities in several major world cities.

Wagner visited Montreal, London, Paris, Hamburg and Stockholm—cities which are updating or initiating new mass transit systems. He returned optimistic and enthusiastic.

Wagner was impressed as well by Eastern American cities which are beginning to face the realities of saving themselves through improved public transportation.



Courtesy of the Bay Area Rapid Transit District, San Francisco

"My experience was a real eye-opener," Wagner said. "Transportation is no more than moving through a city, from here to there, but yet with a great utilitarian experience. There are a great many exciting things that can happen with a minimum of effort."

Exciting and utilitarian things have been happening in Europe for more than 60 years. The famous Paris "Metro," London's "Underground" and Berlin's "U-Bahn," not to exclude the Moscow subway, have moved their residents with a minimum of inconvenience. The sub-surface modes have been enhanced at the same time by efficient sur-

face buses, trolleys and taxis.

In America, multimodal concepts have been neglected in favor of the automobile. Cities which once had elaborate municipal electric railway systems, such as Portland before the '50s, have had tracks torn up and buses put in their place.

Where there have been subways and elevated railways, deterioration and apathy have let the dry rot set in.

Now, beneath the blanket of air pollution which covers the East Coast, and on the West Coast as well, there is a reawakening of mass-transit needs to save the cities.

In New York, Philadelphia, Pitts-

transit future for portland

burgh, Boston, Chicago and Minneapolis planners are drawing lines for new subways and suburban trains, revamping existing lines for efficient utilization.

Models for these projects are the gleaming Montreal Metro and the new subway in Mexico City, both the result of city officials inspiring public awareness and support. Both were designed with the help of French engineers and, with the Paris system, are considered the best in the world.

In Pittsburgh, Philadelphia and Boston, high-speed suburban commuter trains, based on examples in Japan, are reaching out and the public is pleased.

Projects Under Way

On the West Coast, San Francisco is presently at work on the Bay Area Rapid Transit system (BART), which will serve four counties on a 75-mile line. Seattle is in the embryonic stages of planning a system to connect that city with the Seattle-Tacoma Airport to the south.

Wagner refers to the San Francisco cable cars and recently resurrected ferryboats in Pittsburgh as offering human experiences.

"A cable car can be a 'big party' kind of thing," he maintains. "They're old, expensive to service, but think of the value they provide in joy to residents and tourists alike."

Experiences in Portland can also be exciting, Wagner feels, in addition to providing badly needed mass transit.

For its size, Portland, in the past, has employed a variety of public transportation means. There were early ferries across the river, horse-drawn and cable cars and later a streetcar system which, at its peak, covered 211 miles of the city.

For a time, in the 1930s, there was

a combination of transport which included buses and the suburban electric railways reaching as far south as Eugene.

By 1937, however, the suburban electrics faced stiff competition from gasoline buses and the automobile. Track rights-of-way have been converted to highways or freeways.

Wagner recognizes the feasibility of a future high-speed transit system linking population centers from Seattle to Northern California. He and others eye the Interstate 5 right-of-way as being suitable for a monorail or aerotrain like those which are being built in Paris and travel at 190 miles per hour.

Wagner is supported by a recent Willamette Valley attitudinal survey which found that a majority of valley residents, including those in rural areas, felt there was a need for a mass-transit system to aid land-use planning.

Presently the firm of DeLeuw, Cather & Co., planners, is studying the transportation needs of the metropolitan area—a two-phased planning study to determine present needs and requirements of the area by 1990.

Wagner feels the public would be motivated now to thinking of alternatives for the future.

"There's a lot of work to be done in committing the entire populace to 'total' transportation. Unlike Europe," Wagner said, "we are just

coming out of the fog of dazzlement of the automobile. But unfortunately," he added, "how, without multimodal transportation, do you get across town without a car?"

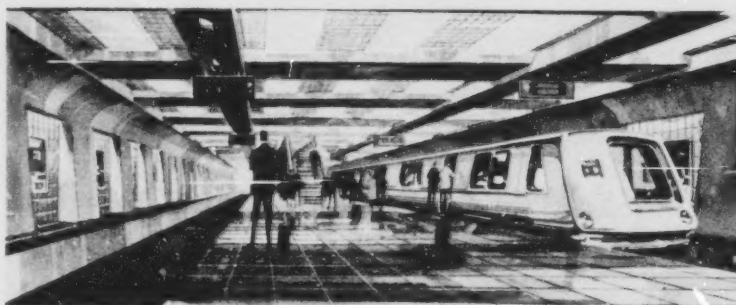
Trolley Lines Buried

Wagner feels planning has been hindered by short-range economics. "By de-emphasizing the automobile, mass-transit planning allows us to begin to use long-range economics. If a mile of urban freeway costs \$1 million, how do you balance the effects of the same amount in a mass-transit system? Everyone complains about the automobile, but it is everyone's fault. We haven't supported mass transit!"

No one knows exactly how many miles of old trolley tracks lie buried beneath Portland's streets, but Wagner feels they could be exhumed in certain areas, such as Council Crest, for fun as well as transportation.

He also sees a possibility in running an electric line to selective parts of downtown. "It could be a line connecting downtown with Portland State University, the harbor, and could include historical areas like Union Station and the old 'gaslight district.'"

Utilitarian lines could reach out to the suburbs, as they once did, connecting with the airport and other locations. A central, downtown terminal, already being discussed, could accommodate and coordinate the varying modes.



lines of
inquiry

action
ideas

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information

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Then cost-competitive cargo landing systems must be devised to permit these giant freighters to discharge and get on their way in the minimum time possible. Whole reaches of the riverside would be needed for depots, docks, freight staging areas, and fuel storage facilities. A considerable upgrading of the rail, highway, and air connections with Portland would be essential to the success of the project. The implications of all this for fish and wildlife in and along the river cannot be fully judged. The problems of land use, urban and suburban development, increased demands on educational and recreational facilities, and the consequences of all this activity for the pollution of beaches and water would require the closest kind of coordinated study. Obviously, however, the sooner coordinated planning takes place, the more likely the state is to find ways to harmonize some, if not all, of the various interests involved.

Likewise, studies must be started soon on the consequences to the Portland area of these complex developments. Obviously, the Port of Portland is neither financed to handle the scale of study and development activity described above. Its whole future needs fundamental review, and its planning activity will have to be deepened considerably and then coordinated extensively with other transportation agencies and with a whole range of other state, local, and

federal agencies.

Other ports also will claim the state's attention in the 1970's. A number of them have significant commercial as well as recreational potential, and their development will require substantial funds and other scarce resources. Therefore, if the state is to encourage the sound development of these ports, and if it is to avoid wasteful competition among them, some means will have to be found for relating the potential of each to overall state and regional development goals and for harmonizing and validating their individual claims to public resources.

Air Transportation. Incredibly fast as the development of air transportation has been in the past 40 years, the whole field is still in what might be called the primitive stage.

Only a few airports in the state can handle jet aircraft, and only one can handle the biggest jets. Yet, even larger aircraft are well along in technical development and will be delivered for airline use in the mid-1970's.

The need for a substantial enlargement of Portland International Airport has been seen, but the methods of achieving the enlargement at the present location have raised major technical and public relations questions. The continued growth both in the size of aircraft and the load of air activity in the years ahead will continue to force consideration of the long-term suitability of the present airport location. However, a shift in the airport location or division of the load by the creation of a second major airport in the Portland area would cause vast changes in the patterns of land use in whatever area is chosen.

Also, with the prospect of thrusting new airports further out into the countryside comes the problem of providing access—the ability of patrons to get to and from them safely, quickly, and reliably. Unfortunately, under traffic conditions expected in the 1970's, the Portland area's clogged urban streets and its increasingly encumbered radial highways will not likely provide the kind of airport-town transportation service that air patrons will demand. Consideration will have to be given either to some kind of airborne airport-town transportation or to a high-speed rail system in order to bypass the ground congestion. The airborne form, however, will have to overcome stubborn problems of cost, all-weather reliability, and safety. Several Amer-

ican cities recently have begun developing high-speed rail service to their airports, and this development probably will be widespread in the next ten years.

Statewide, Oregon's large area contributes to the problems of linking its urban centers. While the state has moved ahead rapidly in creating facilities for small private aircraft, much more remains to be done to improve both private plane facilities and safety. Indeed, the steady increase in private aircraft in the 1970's is going to add substantial risks to all airborne movement.

In the field of public airborne passenger transportation, Oregon's major urban areas still are only marginally connected with each other and with other urban centers. Perhaps in the recent fight to retain air service for several of Oregon's cities the state may have rounded a corner, but it is clear that for some years the state still will have to exercise vigilance to conserve even that service its cities now receive. In many parts of Oregon people still live in isolation, cut off by winter, mountains, and long distances. For business, recreation, health, and shopping reasons many more Oregonians from all points in the state will demand both reliable and readily available air service to get where they want to go, and increased traffic will come from out of state. Public airports and air navigation systems will have to be expanded and improved and new and increased routings will have to be secured.

Surface Transportation. Mention has been made above of the critical importance of rail and truck transportation to Oregon's economic life. Oregon interests are tied closely with nearly every proposed change in freight rate charges, and developments on that front have to be monitored closely and constantly. Likewise, shippers need the most careful kind of intelligence on the supply of freight cars, and they need a powerful voice to argue their needs when too many cars are held too long in other places.

Rail passenger transportation, even in its present anemic form, may not last more than a few years. Many Oregonians have mixed feelings in this connection. They consider some of the schedules so poor and the car and food conditions so bad, that little demand really exists for the few remaining passenger runs. Yet, Oregonians also are becoming increasingly aware

lines of inquiry

Realistic career exploration is based on the best possible predictions of future employment needs. The projections included in this section are perhaps as reliable as any available and can be used as a springboard for creative thinking by students about possible future careers. Questions of critical importance for students to consider:

- (1) Are the career education programs in local schools and community colleges geared to these projections?
- (2) Will new government regulations be needed to protect the public interest in any of the new or expanding fields?
- (3) Will new subsidies be needed to encourage entry into new fields? What are the alternatives?

action ideas

Careers of the Future. Have an overhead transparency made of the chart on page 49 and with the help of the D.O.T. (see below), help students explore the possibilities for careers in government or government-related fields where the major social challenges will be encountered.

supporting information

that there are real limitations to the extent that they can rely upon automobiles and planes to meet their transportation needs.

Even if Oregon air service can be increased substantially in the 1970's, air travel still will be subject to annoying unreliability because of snow, ice, fog, and mechanical problems. Moreover, many persons will remain fearful of traveling by air despite incredibly good safety records by the airlines. If anything, both the fear and unreliability problems likely will get worse as air traffic increases. Great concern already exists about the "stacking up" of aircraft over our national airports, and massive scheduling problems have developed in connection with even the present level of air activity. Recently, the Federal Aviation Administration directed airlines to hold outbound planes on the ground until landing congestion is thinned out on the arrival end of the intended flights. Satellite airfields are being built to handle overflow, but frustrated passengers are being forced to take long bus or cab rides to the main airport to reconnect with other flights or to get their cars in the main airport parking lots.

Unquestionably, Oregon's air facilities and her passengers are headed for most of the same dangerous crisis conditions being experienced at other major national airports.

As troubled a future as is predicted for air passenger

Resources

Dictionary of Occupational Titles, 2 volumes, U.S. Department of Labor, Washington, D.C. (Available in most guidance and counseling offices.)

transportation, the future of highway travel seems even worse.

The Oregon State Motor Vehicle Department estimates that there will be 700,000 more cars, trucks, and buses using Oregon's highways and streets by the end of the 1970's. In other words the highway load will double. During the past 12 months alone the vehicle load jumped six percent.

These increased load projections raise serious questions about the validity of trying to meet certain kinds of future surface transportation needs by building highways. Studies show that the biggest part of the increased vehicular load in the 1970's will be on the road networks in and around Oregon's principal cities. But, Oregon's major cities already are experiencing the slow strangulation that results from traffic overloads. Moreover, it has been demonstrated all over the country that efforts to expand, widen, and improve the highway system simply generate sufficient new traffic to cancel out the improvements.

Oregon is one of the few rapidly developing states that still have a little time to avoid the urban disasters caused elsewhere by single-minded reliance on autos and buses to carry ever-increasing numbers of people in and out of the cities.

The Move Toward Coordinated Planning. In 1969 the legislature created a Department of Transportation and included within it:

The Highway Commission and the Highway Department: now the Highway Division

The Board of Aeronautics: now the Aeronautics Division

The Department of Motor Vehicles: now the Motor Vehicles Division

The Port Authorities Commission: now the Ports Division

A new Mass Transit Division

The Transportation Department Director, appointed by the Governor, subject to the approval of the Senate, will be responsible for coordinating the efforts of each division to develop long-range plans for an integrated system of transportation services that protect the public interest.

The State Marine Board—responsible for certifying certain vessels, encouraging the planning

of boating facilities, enforcing boating laws, and several other marine functions—was not included in the Department of Transportation, but will coordinate its efforts with the department. The same is true of the Traffic Safety Commission, which conducts a comprehensive statewide highway safety program.

OREGON'S EMPLOYMENT OUTLOOK*

Between 1950 and 1965, employment growth in Oregon was 26 percent. During the next 20 years, total employment will rise 49 percent, largely due to greater increases in the number of manufacturing workers.

HOW EMPLOYMENT WILL CHANGE IN PACIFIC NORTHWEST INDUSTRIES (Percent Change, 1960-1980)

Professional & Related Services	142.9% (increase)
Finance, Insurance, and Real Estate	95.1%
Business & Repair Services	94.6%
Public Administration	66.7%
Personal Services	61.6%
Retail Trade	54.0%
Total Employment	51.3%
Entertainment & Recreation Services	50.5%
Manufacturing	49.6%
Wholesale Trade	44.4%
Construction	29.3%
Transportation, Communications, & Public Utilities	18.0%
Agriculture, Forestry, & Fishing	-33.4% (decrease)
Mining	-47.5% (decrease)

Source: *The Pacific Northwest, A Study of Economic Growth in a Quality Environment*, Batelle Memorial Institute, Columbus, Ohio, 1967, p. 73

Employment in logging is expected to decline 12 percent in the next 20 years, and those employed in sawmills and planing mills, nearly 50 percent. Employment in veneer and plywood plants should just about hold its own while those employed in pulp and paper plants should increase somewhat. For all forest products industries, Oregon is expected to experience a 16 percent decline in employment. Continued increases in worker productivity explain much of the decrease in employment. The decline in lumber production in Oregon will be considerably less than the drop in employment. And

*Bonneville Power Administration

lines of inquiry

In a free society, progress results from conflict. However, the competition for power which grows out of conflict may result in domination by one faction, thereby placing freedom in jeopardy. The key lies in maintaining a balance among competing forces and, in a democracy, people provide for mediation through governmental processes.

Nowhere are these principles seen as clearly as in a study of government's evolving role in labor-management relations and employee protection.

Related lines of inquiry appropriate here involve the government's role in applying the principle of "equal opportunity." For instance, government has a very delicate task of preventing discrimination by labor unions as well as management. At what point does government regulation become oppressive? What are the competing values at stake?

action ideas

Public Opinion Poll. A current issue which has the potential of becoming increasingly important in the future is whether certain groups of workers should or do have the right to strike. Students can find out important feelings in the community and thereby understand the community better by conducting a public opinion poll on this issue.

Before doing so, students should be thoroughly familiar with the problem. A good teaching resource is: *The Rise of Organized Labor*, by Donald Oliver and Fred Newmann, published by American Education Publications as part of the Public Issues Series of the Harvard Social Studies Project (grades 8-12).

Especially useful for this purpose is the exercise on page 60 of that publication involving the placement of various worker categories on a continuum from public service to traditionally organized skilled blue collar.

Resources

A useful resource for students is: Iman and Koch, *Labor in American Society*, Scott Foresman, Problems in American History Series, (high school), 1965.

For teacher reference:

Eaton, Clement, *The Heaven of Democracy*, George Braziller, Inc., New York, N.Y. 1963.

Dulles, Foster Rhea, *Labor in America*, Thomas Y. Crowell, New York, N.Y. 1949.

supporting information

even though plywood production is expected to increase by 30 percent in the next 20 years, little increase in numbers of employees is anticipated.

The total number of farms in Oregon will decline by one-third in the next 20 years, but crop and livestock production will increase substantially, often on the order of 50 percent to 75 percent for many agricultural categories. Total irrigated acreage will increase by one-fourth, and sprinkler acreage, by over 50 percent. The productivity of agricultural workers will continue to increase substantially. As a result, farm employment will continue to decline, but at a slower rate than for the nation.

The greatest gains in employment will be in the nonbasic industries—in government, wholesale and retail trade, services, finance and insurance. Technological change is less likely to limit employment growth in these industries because of the personalized nature of many of these activities. State and local government employees, for example, will more than double in number by 1985. This represents, however, some slackening in annual rate of growth over the 1950-65 period.

Personal Income Projections.

Personal income is the income received by individuals from all sources before taxes. It is the only measure of overall economic activity available on

a statewide basis.

Using a system whereby personal income is projected on the basis of trends in employment and real earnings, the Governor's Fiscal Study Committee has forecast that the Oregon economy will grow at a slightly faster rate than it has in the past. Oregon's personal income is expected to be \$10.7 billion by 1975, and \$15 billion by 1980. Personal income for 1969 was \$7.2 billion. Over an 11-year period, this would represent a projected growth rate of more than 6.8 percent per year and a total increase of 108.4 percent from 1969 to 1980. From 1958 to 1969, personal income increased 102.5 percent.

Inflation, on the other hand, is projected to increase at an average annual rate of 2.8 percent up to 1980, while for the previous period, it has increased at an average yearly rate of 2.2 percent. Hence, growth in the future is expected to be accompanied by a relatively higher rate of inflation.

LABOR-MANAGEMENT RELATIONS

Oregon state government has a variety of roles to play in labor-management relations:

- (1) It employs some 25,000 citizens, and sets the rules for the conduct of labor relations with its own employees.
- (2) It sets the guidelines for the conduct of labor-management relations between local governments and their employees.
- (3) It has authority to set the guidelines for labor-management relations in those areas of Oregon's private economy where federal labor laws have not preempted the field as a matter of interstate commerce.
- (4) It offers professional mediation services to help the parties reach collective bargaining agreements in labor-management negotiations.
- (5) From time to time the Governor is called upon to use the informal influence of his office to help bring about the settlement of a major, prolonged labor dispute that affects the public interest and the state's economy.

Four units of state government are involved in labor-management relations.

The State Personnel Division and the Public Employee Relations Board (which encompasses the State Conciliation Service) supervises the

conduct of labor-management relations between state and local governments and their employees.

The State Labor-Management Relations Board has been given the responsibility for developing orderly procedures for the establishment of employee representation and the resolution of unfair labor practices complaints.

The Public Employee Relations Board (PERB) is responsible for seeing that fair and orderly systems are adopted in state jurisdictions for:

- (1) Determining appropriate bargaining units and employees exempt from such units.
- (2) Conducting representation elections, if requested. (School district employee elections are supervised by school district boards.)
- (3) Administering statutory provisions for collective bargaining in relation to unfair labor practices—failure to bargain in good faith, failure to abide by an agreed contract, and improper actions against an employee for engaging in employee organization activity.

State law permits local units of government in Oregon to bargain with employee organizations established by orderly procedures. Local governments are permitted to adopt their own structures and procedures in these matters, and may use standards set by PERB.

PERB is empowered to either (1) serve as a fact-finding board in a prolonged dispute involving state or local government employees, or (2) empanel a group of three appropriate private citizens to act in this capacity.

The State Conciliator is responsible for providing mediation services to public and private management agencies at their request, and to labor or employee organizations upon request. In addition, he is expected to advise the Governor on major labor disputes that are emerging, the progress of negotiations, and whether, when, and how the Governor might use his leadership position to help resolve disputes.

The State Conciliator is responsible for providing mediation services to public and private management agencies at their request, and to labor or employee organizations upon request. In addition, he is expected to advise the Governor on major labor disputes that are emerging, the progress of negotiations, and whether, when, and how the Governor might use his leadership position to help resolve disputes.

lines of inquiry

High school students should have a special interest in investigating employee protection laws and how the functioning of related government agencies will affect their own welfare as they move into the "world of work."

They will also have a very real personal stake in understanding all sides of current debates over such issues as: (1) the right of public employees to participate in collective bargaining, (2) the right of survivors of industrial accident victims to sue employers who violate safety regulations, and (3) the rights of farm laborers (see page 61).

action ideas

supporting information

EMPLOYEE PROTECTION: A GOVERNMENT RESPONSIBILITY

In 1971 Oregon had an average unemployment rate of 6.4 percent (almost 70,000 in March), and according to the Urban League in Portland, unemployment among racial minorities runs about three percent higher than among the white population.

At least 16 separate state and federal agencies are involved in programs which attempt to alleviate the causes and effects of unemployment and to protect and regulate Oregon's work force.

The Employment Division was transferred to the Department of Human Resources in 1971. The administrator is appointed by the Governor, subject to Senate confirmation. The division provides employment service and unemployment insurance benefits, and administers federal programs of the U.S. Department of Labor, the Manpower Administration, the United States Training and Employment Service, the Manpower Development and Training Act, and the Bureau of Labor Statistics.

The Labor Commissioner is Chairman of the State Apprenticeship and Training Council, Executive Secretary of the State Wage and Hour Commission, and appoints the Human Rights Advisory Council which advises the Bureau of Labor on enforcement of the state's human rights laws.

The Governor's Committee on Employment of the Handicapped serves as a catalyst for all information and promotion of employment of the handicapped in Oregon.

The Governor's Manpower Coordinating Committee was created for the purpose of planning distribution and training of manpower. It works through the 14 administrative districts of the state (see page 335), which have similar committees. The committee includes employers, employee organizations, and representatives of health, education, agriculture, and federal agencies.

The State Accident Insurance Fund, known as SAIF, operates as a competitive mutual insurance company. Contributing employers are insured against liability to their workmen for bodily injury received by accident in the course of employment. SAIF protects the rights of both the employee and employer. It serves as a "yardstick" for the insurance industry in both cost and service. It provides safety programs and related services through professional home office and district office personnel, and trains and maintains an administrative force through which injured workmen receive medical treatment, compensation, and any necessary rehabilitation.

A three-member Workmen's Compensation Board appointed by the Governor is responsible for the administration of the law relating to workmen injured in the course of their employment. Under Oregon law, employers are obligated to provide workmen's compensation insurance whether through the State Accident Insurance Fund, private carrier or self-insurance. In addition to supervising payments to injured workmen, the Workmen's Compensation Board concerns itself with promulgating and enforcing safety orders, as well as administering disability prevention and rehabilitation programs. Operating funds for the Workmen's Compensation Board are derived from assessments collected from all subject employers.

The 1971 Legislation.* AFL-CIO leaders listed several new laws as major accomplishments of the 1971 Legislative Assembly:

(1) Intrastate labor management, modeled after the National Labor Relations Act, to cover workers not in interstate commerce.

(2) Workmen's Compensation Rehabilitation Facility under the Workmen's Compensation Board to help injured workers. This developed from labor-management cooperation in an advisory committee and will use the best ideas from a similar facility in British Columbia.

(3) An additional 13 weeks of unemployment compensation for persons still jobless after exhausting their benefits. Maximum payments were raised \$7 a week, to \$62.

(4) Authority for the Wage and Hour Commission to regulate working conditions of men, and to bring men under the \$1.25 minimum that applied only to women and minors.

(5) Changes in the apprenticeship law allowing accident insurance coverage while undergoing training; credit for apprenticeship training toward community college associate degrees; school credit for apprenticeship education; and giving the State Department of Education the job of developing related training materials.

(6) Property tax relief for low income homes.

(7) Increased industrial accident benefits.

(8) Registration required of home builders, home remodelers and television repairmen.

Other "significant" legislation cited by the Director of the Women's Equal Employment Opportunity Program, Bureau of Labor, included a law which gives the Oregon Wage and Hour Commission the authority to regulate working conditions for "employees" rather than the present term, "women," allowing protections to be based on job conditions and minimum work standards rather than the sex of the worker.

*Based upon *The Oregon Legislature, 1971*. A special report by the *Capital Journal*, Salem, Oregon, July 17, 1971.

lines of inquiry

The most critical element in any enterprise is people. In order to avoid wasting valuable human resources, Oregon state and local governments are becoming more and more responsive to the needs of groups which have not received adequate attention in the past.

As a result, important questions of public policy are being debated. Students should become aware of the basic issues at stake. They should have opportunities to examine the plights of various groups that have not received the same governmental attention and assistance as more powerful interest groups in Oregon. In this connection, they should be able to recognize the many so-called "hidden subsidies" for the majority of American families that can afford to own their own homes, travel by air, send their children to college, etc.

In addition, students should give considerable thought to such questions as: What are the costs, both human and economic, of racism? Of inadequate or crowded housing? Of loneliness and neglect? Of denial of basic human and civil rights?

action ideas

Simulation. Students may gain new insight into the problems faced by racial minorities by playing the simulation game "Sunshine," available from Interact, P.O. Box 262, Lakeside, California 92040.

Case Studies. An excellent teaching resource for high school students is *Prejudice and Discrimination* by Fred Holmes, published by Prentice Hall, Englewood Cliffs, N.Y., in 1970. This inductive approach uses case studies and problem situations to acquaint students with prejudice and discrimination as social phenomena.

Research

Research Reports on Social Studies and the Disadvantaged, Available from the Social Studies Specialist, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. No charge. A compilation of the best research available on the subject.

Hamilton and Katz. *American Majorities and Minorities: A Syllabus of U.S. History for Secondary Schools*. Arno Press, 330 Madison Avenue, New York, N.Y. 10017. 1970.

The following titles from the *Public Affairs Pamphlets*, 381 Park Avenue South, New York, N.Y. 10016 are useful student reference materials for grades 8-12 (25 cents each).

No. 422—"Why the Ghetto Must Go"
No. 400—"Job Discrimination is Illegal"
No. 399—"Cultural Differences Can Enrich Our Lives"
No. 85—"The Races of Mankind"
No. 417—"Humaneizing the City"
No. 457—"Hunger in America"

"The Negro in Portland," *Portland City Club Bulletin*, Volume 26, No. 12. City Club of Portland, Portland, Oregon. July 20, 1945.

"Report on the Negro in Portland: A Progress Report, 1945-57," *Portland City Club Bulletin*, Volume 37, No. 46. City Club of Portland, 505 Woodlark Building, Portland, Oregon 97205. April 19, 1957.

"Report on Problems of Racial Justice in Portland," *Portland City Club Bulletin*, Volume 49, No. 2. City Club of Portland, Portland, Oregon. June 14, 1968.

supporting information

conserving

According to the Project 70's Task Force, the level of public expectation in the area of social services is "almost frightening," considering that many social service experts frankly admit that they are far from certain what to do about many of our social problems. "Few will claim that they have the answers for eliminating poverty or discrimination, removing people from dependency, restoring mental health, or keeping criminals from returning to crime after release. Yet there is general public agreement that government has to do these things, and that the public must support the efforts.

"And now government is expected to do more than pick up the pieces of social failure after individuals break down or circumstances bring them down. Government is expected to prevent or reduce the instances of social failure in the first place, and to treat not just the results of social failure, but the causes as well.

"Rising living costs, poor training and development, poor diets and housing, ever costlier health services, inadequate recreation services, lack of job opportunities or inadequate transportation to jobs—all of these problems seem to be getting more difficult. Unless major offsetting actions are set

human resources

in motion now, these problems will get very much worse in the 1970's."

The major problems of today generally are formulated and defined in terms of poverty, race, crime, delinquency, alienation of youth, alcohol and drug abuse, the urban crisis, mental breakdown, and family breakdown.

RACIAL JUSTICE: THE CHALLENGES FOR STATE AND LOCAL GOVERNMENTS*

The report of the National Advisory Commission on Civil Disorders—the Kerner Report—issued in 1968, grew out of mounting civil disorders during the past few years, but it also had genesis in a series of post-war inquiries—on civil rights, urban and slum problems, housing, equal employment opportunity, crime and law enforcement—with human rights and justice as the dominant, recurring theme. It is a direct and individual challenge and warning to each American. The commission personalized its message as follows:

We speak of us—for the freedoms and opportunities of all Americans are diminished and imperiled when they are denied to some Americans. The tragic waste of human spirit and resources, the unrecoverable loss to the nation which this denial has already caused—and continues to produce—no longer can be ignored or afforded.

The Portland City Club's Committee on Racial Justice cites "neglect of citizen involvement" as the major reason and the common denominator of each of the problem areas relating to minority groups, which include not only racial minorities, but also the poor, the young, the aged, women, etc. Following are some of the recommendations of the committee which have general application to all Oregon communities as well as to state government.

*Excerpts from *Oregon State Government for the 1970's*, a report of the Governor's Project 70's Task Force, and "Report on Problems of Racial Justice in Portland," *Portland City Club Bulletin*, June 14, 1968.

(1) Establish effective communication between minority groups and their local and state governments.

(2) Expand opportunities for minority group leaders to participate in shaping decisions and policies which affect their communities.

(3) Increase accountability of public officials.

(4) Coordinate the efforts of labor, industry, and public agencies to alter and halt the "cycle of failure" whereby the employment disabilities of one generation breed those of the next. Intensify extension and enforcement of fair employment standards, with school boards, cities, and state agencies setting an example of enlightened procedures.

(5) Reduce racial isolation, wherever it has occurred.

(6) Raise welfare benefits to a level compatible with current costs of living. Charge welfare agencies, both state and local, with responsibility for articulating the needs of the poor to the public and to the legislature in whatever graphic and dramatic terms are needed to elicit the necessary response.

(7) Invoke all available ways and means to improve basic civic attitudes—individual and group—respecting housing, and to carry out the letter and spirit of state and federal antidiscrimination, open-housing laws. Overcome deficiencies in the numbers and quality of available housing for minority and low-income groups and areas.

(8) Improve the education and training of police officers in duties pertaining to human and community relations.

(9) Evaluate the performance of the lower courts—the quality of justice rendered under normal conditions. Plan comprehensive measures by which the criminal justice system may be supplemented during civil disorders so that its deliberate functions are protected, and the quality of justice is maintained.

(10) Improve the quality of local detention

lines of inquiry

It is important for students to examine in some detail the problems of Oregon's minority groups. As each of these groups is studied, the concepts of prejudice and discrimination should also be explored.

Questions such as these are important lines of inquiry:

- (1) To what extent is poverty a result of social and political discrimination?
- (2) Are current efforts to alleviate the problems of minority groups effective? Do you think the problems have been correctly diagnosed?
- (3) Are there community or governmental activities which unintentionally reinforce prejudice and discrimination?
- (4) What should be government's role in preventing social and political discrimination?

More specific research might be done on such questions as:

- (1) What effects have urban renewal projects and construction of freeways had on the black homeowner in Portland's Albina area?
- (2) Do citizens have sufficient recourse against administration of condemnation procedures by state and local governments?

action ideas

Photographic Essay. With students working either as individuals or in groups take photographs or slides as a means of collecting information about disadvantaged or minority groups in the community, including youth, the aged, the poor, Chicanos, Blacks, Russians, Indians, etc. Procedures:

- (1) Select a problem in which the class is interested.
- (2) Find out about various government agencies that are involved with the problem.
- (3) Identify major contributions or shortcomings of government programs and plan the photographic essay.
- (4) Make arrangements with the proper authorities to take the photographs desired.
- (5) Arrange photographs or slides into a logical thematic sequence with appropriate captions or script.

Resources

Katz, William L. *Eyewitness: The Negro in American History*. Pitman Publishing Company, New York, N.Y. \$5.25. A documentary history of the Afro-American contribution to U.S. history for secondary students.

To Find A Home. Film: 28 minutes, black and white, grades 10-14. Experiences of a Negro family trying to find a decent place to live. **\$5.

No Hiding Place. Film: 59 minutes, black and white. Whites' and blacks' opinions concerning racial problems in their suburban town. *\$13. Order No. CS-1931.

The Run from Race. Film: 30 minutes, black and white. Life and problems in a Negro community. **\$6.75. Order No. CS-1516. Also **\$5.

The Fur-Lined Fox Hole. Film: 30 minutes, black and white. Attitudes, problems, and lives of people who leave the big cities. **\$6.75. Order No. CS-1517. Also **\$5.

Marked for Failure. Film: 60 minutes, black and white. Why ghetto children are kept out of the cultural and, ultimately, the economic mainstream of society. *\$12. Order No. ES-791. Also **\$9.

Report from the State Intergroup Human Relations Commission. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. October 16, 1970.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

facilities and bail procedures, and shorten the length of time between arrests and final disposition of cases. Assure that all defendants have access to skilled legal counsel.

- (11) Research and report to the community on race discrimination, if any, practiced by private clubs, fraternities, societal orders, lodges, or other similar social organizations.

According to the Project 70's Task Force, "Oregon's racial problems, while small compared to most other states, have all the potential for getting sharply worse in the 1970's."

"The physical bleakness of the Portland's Albina area, the vulnerability of Oregon's 23,000 Negroes to unemployment and economic dislocation, their low income versus rising costs, the quality of education received by their children, the lack of quick, inexpensive systems of transportation to get them to and from new job opportunities—all this is well known. We see a markedly growing exasperation, desperation, and alienation, compounded by militancy. How far into the 1970's Oregon can go without experiencing the violence and explosiveness being experienced elsewhere today is an open question. The answer lies in what action we can get under way at once.

"To this picture must be added the problems of Indians and migrant workers in Oregon and the things that will have to be done to improve

conditions for them."

SEASONAL FARM LABOR PROBLEMS IN OREGON*

The Mid-Willamette Valley area (Marion, Polk, Clackamas, Yamhill, Washington, and Multnomah counties) is one of the nation's richest agricultural areas, and during peak season, the nation's third largest user of migrant and seasonal farm labor. It is estimated that between 10,000 and 15,000 migrant workers come into the valley from other states.** In addition, intra-state migrants, local seasonal workers who commute from home to farm each day, number around 30,000. It is estimated that about 75

and where the grower houses workers in his own cabins, the threat of having your bonus cancelled if you quit before the end of the summer is standard practice.

Families begin to move into the area in June and strawberries are ready at the end of June or early July. If the crop is good enough to get four pickings, work may last through July. At the end of July or the first week of August the pole beans usually begin; first pickings are not the best, however. By the second week of August work in beans is usually available. There are two or three weeks between strawberries and beans. Often families will be without work during this time. . . .

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SOME PROBLEMS OF THE FARMWORKER

The average farmworker's family—with four members of the family working—has an annual income of \$3,000 to \$3,500; 91 percent of individual farmworkers make less than \$3,000 a year.

The average farmworker lives to the age of 49 years; average life expectancy of all Americans is 70 years.

The infant mortality rate for farmworkers is 125 percent higher than the national average.

The average farmworker completes only 8.6 years of school. The average Spanish-surnamed person completes only 4.9 years.

SOME PROBLEMS OF THE FARMER

Providing adequate housing for seasonal workers is expensive—particularly in view of the amount of time that such housing is used during the year.

The uncertainty of the availability of qualified workers is a fear and concern.

The inability of employers to add increasing labor costs to the price of agricultural commodities makes it economically difficult to increase wages of farm workers.

The perishability of many crops places employers at the mercy of the elements and any other factors that delay harvest.

percent of the seasonal labor force is children and a majority is Mexican American. The average size of a Mexican American family is seven. It is conceivable that for every pair of adults in the field, there could be six or seven children. This figure would also hold true for the majority of the Anglo and Russian seasonal farm workers in this area.

The following are excerpts from the field report of a research team which operated in the Willamette Valley area from July 6 to August 20, 1970, under the auspices of the American Friends Service Committee and the National Committee on the Education of Migrant Children.

Families are actively recruited and contracted to work in this area because children can pick most of the season and most of the crops. In 1970 strawberries and cane berries were 90 cents a flat (12 boxes) and pole beans were three cents a pound. Twenty years ago, pole beans were two and one-half cents a pound. They have been three cents a pound for the past three years. Nearly all the growers work on the bonus system

"TODAY, GOVERNMENT IS EXPECTED TO DO MORE THAN PICK UP THE PIECES OF SOCIAL FAILURE; IT IS EXPECTED TO PREVENT OR REDUCE THE INSTANCES OF SUCH FAILURE."

The seasonal farm labor force in this area can be divided into three groups: settled-out families, migrant families, and Anglo day-haulers. The opportunities for employment in industry or business are very limited for young people here. Agriculture is the largest industry. If you are over 16 and can obtain a work permit, a job in a cannery is a possibility, but high unemployment in recent months has further limited industrial jobs for teenagers. Field work is a way of life for Anglo young people in this area. Contracting is done in the high schools in May and often teachers will be crew leaders for the summer. These Anglo middle-class young people are anywhere from 8 to 25 years old.

Field conditions are not considered bad. There

*Edited excerpts from *Child Labor in Agriculture, The Green Ghetto*, and the *Governor's Task Force Report on Seasonal Agricultural Labor in Oregon*.

**Malheur County has an additional migrant population of 10,000 to 15,000.

lines of inquiry

action ideas

Role Playing. Students may better understand both sides of the conflict between migrant workers and farmers through role playing the situation found in Case No. 6, "A Mediation Session," found in *Voices for Justice: Role Playing in Democratic Procedures*, by Charles Quigley and Richard Longaker, Ginn and Company, Statler Building, Boston, Massachusetts, 1970. (Grades 8-12.)

supporting information

were privies and the young people took soda, etc., in a sack for lunch. One half hour was given for lunch and the bus would return them after eight hours in the field. Farmers seemed to be very conscious of the eight-hour day and of the conditions under which the children work. (Lack of drinking water and water for washing hands was mentioned in other studies as a health hazard in most fields.)

To a middle-class child money earned in the field means school clothes, gas money, a movie, or supplements to an allowance. The atmosphere surrounding a field being picked by Anglo day-haulers is sprinkled with laughs and punctuated with radio blasts. Things are different for a migrant child working in the field. The money he earns is thrown in with the family earnings and that becomes life.

The settled-out family heads for the fields during the summer months. Some families depend on this as their sole source of income, others have family heads employed year around. . . .

 **Welfare.** Migrant welfare clients must report earnings to the department once a month or more often. Any child over 16 and under 21 who attends or plans to attend school or to take vocational training during the school year on a full time basis, or at least will take one half or more of a full course, should report his earnings. However, his earnings, like

Resources

Bitter Harvest. Film: 53 minutes, black and white, grades 10-adult. Examines migrant workers in Washington and Oregon. **\$9. Also available from King Screen Productions, 320 Aurora N., Seattle, Washington 98109.

What Harvest for the Reaper? Film: 59 minutes, black and white. How farmworkers get caught in a system which keeps them continually in debt. *\$13. Order No. CS-1880.

The Green Ghetto. Kennedy Action Corps, P.O. Box 1631, Portland, Oregon 97207, January 1971.

Morgan, Peter. "School Systems Try to Face Problems of Teaching Non-English Speaking Pupils," *The Oregon Statesman*, May 13, 1971.

Olmos, Robert. "Indians, blacks, chicanos will all make presence felt in 1971," *The Sunday Oregonian*, January 10, 1971.

Oregon Migrant Health Project: 1970 Annual Report. Oregon State Board of Health, 1400 S.W. 5th Avenue, Portland, Oregon 97201.

Questions and Answers on Child Labor Laws, Regulations and Provisions. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

those of his brothers and sisters under 17, are not counted as income to meet the family's current maintenance needs. If a child over 16 is not in school or training and does not plan to return to school or to start on a training program, then his income must be reported and is included in the total earned income of the family. The gross income of adults and the school dropouts over 16 who have no plans for training or resuming their education is totalled. If this family receives an Aid to Dependent Children's grant (ADC), then the following will be subtracted from those total gross earnings:

- (1) The first \$30 and 1/3 of all earnings above \$30.
- (2) Mandatory deductions, such as withholding tax.
- (3) Limited transportation allowance if essential for wage earner
- (4) Other allowances are unusual but varied or may involve self-employment; regulations pertaining to stepparents' earnings also differ, as do earnings disregarded for family members who receive Old Age Assistance, Aid to the Disabled or Aid to the Blind.

A few families will be eligible only for medical care or for General Assistance. The latter provides up to 70 percent of the agency's standard for food and shelter. ADC is paid at 80 percent of standards for food, shelter, clothing, and a small personal incidentals allowance.

A regulation recently adopted to meet federal requirements limits ADC eligibility for male heads of families to those who are incapacitated, in training, or are working less than 100 hours a month. Employable male heads of families are required to search for work and to accept available employment or training. Women who head families are usually expected also to find employment or accept training. Children are encouraged to seek suitable, nonhazardous work to meet some needs for which the Welfare agency cannot provide or to build savings for their future education.



Health. The State Department of Health does not have mental health facilities for migrant workers. However, if serious mental health problems are diagnosed at one of the federally financed migrant health clinics, further treatment is usually supplied. In McMinnville

there is a privately run mental health clinic serving the seasonal farm laborers.

County Migrant Health Clinics are funded through the federal Migrant Health Act and the funds are given to each county to administer as it chooses. For example, at the Marion County clinic in Stayton, two medical students paid by the county and several medical students paid by federal funds are in charge of preliminary examinations. A group of 20 doctors from the surrounding area work on a rotating schedule. The signs in the clinic are in Spanish and the students working there are given basic Spanish courses before they begin to work. The facility is well equipped and as many as 200 people are seen in one evening.

However, many workers and growers do not know of the services available and the location makes it difficult for people without cars or trucks to get to the medical help.

Under existing Oregon health codes, cabins must meet certain specifications, fields are required to have a specific number of latrines per acre, and there are restrictions on washing and drinking facilities. The Oregon Health and Labor Departments have inspectors responsible for seeing that growers comply with these standards. However, the number of inspectors is very inadequate to investigate the camps, even in the Marion County area alone.

Although much additional legislation is badly needed, it is difficult to arouse enthusiasm about new laws when there are inadequate provisions for enforcing existing health and housing codes.



Day-Care and Education Programs. There are no summer programs or day-care centers in the vicinity of most migrant camps in Oregon. Young children are either taken to the field or left in camp with a child or nonworking adult. There are strong family patterns that keep families working together in the fields.

It wasn't until mothers and children in the Salem area marched on the capitol that day-care funds were made available by the state. However, the centers established in Salem and Woodburn for example, are not readily accessible to a large percentage of the seasonal farm workers in the area. For the people settled out in the city, dropping a child off at a center before going to the fields is feasible, but for those living in camps outside the city, trans-

lines of inquiry

action ideas

Interviews. Students, as individuals or in small groups, can interview leaders of both farmer groups and migrant organizations in their own communities to gain a better understanding of the points of issue in existing and proposed legislation.

Community Research. From the census, students can determine the minority group population of the county or region in which they live, then conduct a survey to determine whether such groups are adequately represented in the government agencies which serve them; e.g., on school boards or school advisory committees, on school and community college faculties, on the city council or board of county commissioners, in the medical or law professions, in law enforcement agencies, etc.

Resources

For more detailed information on Chicano history and activities in Oregon, teachers can contact the Intergroup Human Relations Specialist, Oregon Board of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310. Information is also available from David Aguilar, Director, Centro Chicano Cultural Center, Woodburn, Oregon.

Library Services for Indians and Mexican Americans. ERIC Clearinghouse on Rural Education and Small Schools, New Mexico State University, Las Cruces, New Mexico 88001. A manual for librarians.

Brussell, Charles B. *Disadvantaged Mexican American Children and Early Educational Experience.* Southwest Educational Development Laboratory, Suite 550, Commodore Perry Hotel, Austin, Texas. 1968. Contains a concise history, discussion of problems and solutions, and an extensive bibliography.

Forbes, Jack D. *Mexican Americans: A Handbook for Educators.* Educational Systems, Inc., Suite 502, 1717 Massachusetts Avenue NW, Washington, D.C. 20036. Includes a list of recommended teaching material for elementary and secondary levels.

supporting information

porting children to the center is not feasible.

No migrants interviewed by the team knew of available summer programs which operated in Salem, Woodburn, Independence, and other large towns in the area. Mothers interviewed expressed interest in day-care centers and summer school programs, but stressed the need for accessibility. However, state regulations make it difficult to establish day-care facilities in migrant camps. A group of ten Baptist Student Union volunteers living and working in a camp in Turner realized the need for a child-care center at the camp and asked the State Board of Health to approve the use of a camp building for a center. However, Oregon state regulations for child-care centers are so stringent that no place on the premises could meet the specifications.

At the most, about 1,500 children are benefitting from the summer migrant education programs financed by federal funds, but for this number to have any meaning, it is necessary to understand that:

- (1) The average daily attendance is often half to two-thirds of enrollment.
- (2) Many children in the project are from settled-out families, not those in the camps and truly migrant.
- (3) There are an estimated 30-40,000 migrants in the Willamette Valley during the summer; the average family size is approximately

6.7; obviously, very few migrant families are being served.

The Intergroup Human Relations Commission* has made suggestions for improving the schooling of migrants, and indeed, for all children:

- (1) Improve textbooks for and about Mexican-Americans.
- (2) Change requirements for certifying teachers so that Spanish- or Russian-speaking adults can work with children. Refuse teaching positions to prejudiced people or to those uninformed about the cultural background of the students they are to teach.
- (3) Require all schools to give much more attention in the curriculum to the cultural background and contributions of minority groups.

Existing State Programs. State agencies and groups that conduct programs directly or indirectly related to seasonally employed agricultural workers include the State Departments of Agriculture, Education, Employment, Health, Labor, Motor Vehicles, Welfare, and the Workmen's Compensation Board.

County or area agencies include community action agencies (Office of Economic Opportunity), farmers home administration, and school districts.

Community colleges and other institutions of higher education, public and private, have been involved, as well as the Farm Bureau Federation, growers' associations, Migrant Ministry (Oregon Council of Churches), United Farm Workers of Oregon, Valley Migrant League, Volunteers in Vanguard Action (VIVA), Catholic Welfare Agencies, Archdiocese of Portland, and Stella Maris House.

Each agency or group, for all practical purposes, conducts its program independently and is not required or called upon to coordinate its efforts with others engaged in programs related to the same clientele. As might be expected in such a situation, there is considerable conflict of interest and duplication of effort. For example, labor camps are officially inspected by local health officials, representatives of the State Board of Health, the State Employment Service, the Labor Department, and when federal funding is involved, by the Farmers Home Administration and the Office of Economic Opportunity. Unofficial visits and inspections of camps are made by many other groups such as the

United Farm Workers, the Migrant Ministry, Valley Migrant League, Volunteers In Vanguard Action, and others. State, federal, and county agencies have been assigned responsibility to administer certain programs related to seasonally employed agricultural workers but it is a piecemeal approach with little likelihood of making any lasting impact on the many problems facing seasonal agricultural workers and their employers.

In 1959 the legislature created a state Interagency Committee on Migratory Labor in an effort to provide some coordination of state agency work in this field. The committee was extended by the 1963 Legislature to January 1, 1968, when it was disbanded.

The agricultural industry and its employees are vital to Oregon's economy, whether indirectly to consumers or directly to growers, processors, and manufacturers of farm-related products. However, Oregon does not have a substantial body of legislation designed to protect *equally* the rights of the grower and his employees.

Legislative protection for the farmworker, passed in 1959, provided for:

- (1) Licensing of farm labor contractors and registration of crew leaders
- (2) Minimum standards for housing and sanitation of farm labor camps
- (3) Safety checks for vehicles transporting farmworkers to their place of employment
- (4) A summer pilot program on education for migrants, and
- (5) Establishment of an interagency committee for further study of the needs of the farm worker (disbanded in 1968).

Since 1959, Oregon legislatures have passed three additional bills which:

- (1) Require notification of health officers prior to the operation of a farm labor camp
- (2) Require employers to post terms of employment and provide workers with an itemized wage statement
- (3) Provide for a limited extension of workman's compensation to agricultural workers.

Legislation considered unfavorable to the farmworker includes:

- (1) Restrictions on picketing of agricultural production sites (1963)
- (2) Exclusion of farmworkers from minimum

*Of the Oregon Board of Education.

lines of inquiry

The statement, "The present must be lived forward but can only be understood backward," points out the need for white students to know something of the history of Oregon's minority groups in order to understand their present situation.

It is also important for students to have some concept of the strong tendency to stereotype certain groups of people, especially racial minorities and the poor.

action ideas

Detecting Stereotypes. Have students monitor television programs, movies, and advertising—over a specified period of time to determine if members of racial minorities, or those who are extremely poor, are frequently cast in similar or typical roles. If so, what specific characteristics or personality traits are usually emphasized? Discuss the effect of such portrayals on the attitudes of television viewers who may have no personal contact with members of any racial minority or with persons who live in real poverty.

The same experiment might be carried out using other media—fiction, newspapers and magazines, motion pictures, social studies textbooks.

Resources

Write to the Intergroup Human Relations Commission, Oregon Board of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310, for a list of multimedia resources on the American Indian.

Bunting, David. *Some Experiences with Guaranteed Incomes and Lump Sum Payments: The Case of the Klamath Indians*. Department of Economics, University of Oregon, Eugene, Oregon, 1970.

Clements, Rudy. *Report on the Indian Community*. Oregon Board of Education Intergroup Human Relations Commission, 942 Lancaster Drive NE, Salem, Oregon 97310. February 15, 1969.

Federal and State Indian Reservations: An EDA Handbook. U.S. Department of Commerce, U.S. Government Printing Office, Washington, D.C. January 1971.

Indian Education: A National Tragedy—A National Challenge. U.S. Senate Committee on Labor and Public Welfare, U.S. Government Printing Office, Washington, D.C. 1969. \$1.

Indians on Federal Reservations in the United States—a Digest: Portland Area: Idaho, Oregon, Washington. U.S. Department of Health, Education, and Welfare, Washington, D.C. June 1958.

Indians of the Northwest. U.S. Department of the Interior, U.S. Government Printing Office, Washington, D.C. 20402. 1966.

A Program for Indian Citizens. Commission on the Rights, Liberties, and Responsibilities of the American Indian, Route 3, Box 3030, Albuquerque, New Mexico, January 1961. Single copy free.

supporting information

wage statutes (1967)

(3) Repeal of the crew leader registration provisions (1961).

Legislation recommended by farmworker organizations, church groups, government agencies, and the 1968 *Task Force on Seasonal Agricultural Labor in Oregon* includes:

(1) Extension of minimum wage and unemployment compensation coverage to agricultural workers.

(2) Adopting more stringent child labor laws for farmworkers.

(3) Institution of educational reforms aimed at aiding Spanish-speaking (and other non-English speaking) children.

(4) Insuring fair labor relations between farmer and farmworker.

(5) Adoption of field and farm labor camp standards comparable to Oregon's neighboring states.

(6) State assumption of responsibility in the area of housing for the people who harvest this state's crops.

OREGON'S DECIMATED INDIAN POPULATION*

At one time Oregon, Washington, and Idaho were occupied by dozens of Indian tribes of at least 14 distinct linguistic families, according to the Bureau of Indian Affairs. Collectively they represented two major and sharply different cultures: one east, the other west of the Cascade Mountains.

Twenty-five distinct tribes of seminomadic Plateau Indian

*Excerpts from *Indians of the Northwest*, Department of Interior, Bureau of Indian Affairs, U.S. Government Printing

culture ranged over the dry uplands of Idaho and Eastern Oregon and Washington and at least 50 different tribes once lived along the rivers and bays of the Washington and Oregon coastal areas.

However, after the coming of the white man, disease, famine, and war decimated many of these tribes and by 1880 most surviving Indians of the three-state area were placed on reservations, "their resistance to the dominant society at an end." Since that time, malnutrition, disease, unusually high infant mortality, and unusually high suicide rates have steadily decreased Oregon's Indian population.

Today, Oregon has about 9,101 Indians, almost 4,000 of them on four reservations: Umatilla, Warm Springs, Burns Paiute, and Celilio Village. Members of the Cayuse, Umatilla, and Walla Walla tribes occupy the Umatilla reservation, while Warm Springs is the home of Warm Springs, Wasco, and some Northern Paiute tribes. These two major reservations, 653,000 acres altogether, are the homes of about 3,600 Indians. The large Klamath Reservation, nearly a million acres in Southern Oregon with about 1,300 residents, was terminated as a trust area in 1963.

One hopeful experiment in Indian rehabilitation has begun in Oregon in the last few years. Large-scale planning for community improvement is under way on the Warm Springs Reservation, where the tribal council engaged a private company to prepare a comprehensive plan that could be carried out over a two- or three-year period, with financial assistance from the Department of Housing and Urban Affairs. In addition, the Division of Indian Health operates a major health center on the reservation. But the most ambitious tribal enterprise yet created is tourist-oriented Kahneeta, a mineral springs resort on the reservation. Representing an investment of nearly \$1 million, this complex of lodges, campsites, spring-fed swimming pools, riding trails, and fishing holes has become "a mecca for West Coast vacationers." However, the success of the Warm Springs experiment is unique.

Less than 200 miles away almost 1,000 Indians reside on the Umatilla Reservation with an unemployment rate of 17 percent, an underemployment rate of 37 percent, and a median

family income of \$4,500. Most Indians on the reservation have not gone beyond the ninth grade in school. The tribe is governed by a nine-member board of trustees, elected by the tribal members. Tribal income is only \$35,000, but recently efforts have been made to organize a Tribal Leasing Enterprise and a Tribal Farming Enterprise to develop the land and agriculture of the reservation and help the tribes learn better land management techniques.

The other two reservations in Oregon are quite small. Only 150 Indians live on the Burns Paiute Reservation, governed by a tribal council of five persons elected to two-year terms by the tribe. About 30 Indians live in Celilio Village on 30 acres of tribal land. The tribe remaining on the reservation is not organized as a governmental entity.

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SUMMARY OF HISTORICAL FINDINGS*

Policy Failure. The dominant policy of the federal government towards the American Indian has been one of coercive assimilation. The policy has resulted in:

- (1) The destruction and disorganization of Indian communities and individuals.
- (2) A desperately severe and self-perpetuating cycle of poverty for most Indians.
- (3) The growth of a large, ineffective, and self-perpetuating bureaucracy which retards the elimination of Indian poverty.
- (4) A waste of federal appropriations.

National Attitudes. The coercive assimilation policy has had a strong negative influence on national attitudes. It has resulted in:

- (1) A nation that is massively uninformed and misinformed about the American Indian, and his past and present.
- (2) Prejudice, racial intolerance, and discrimination towards Indians far more widespread and serious than generally recognized.

Education Failure. The coercive assimilation policy has had disastrous effects on the education of Indian children. It has resulted in:

- (1) The classroom and the school becoming a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.
- (2) Schools which fail to understand or adapt to, and in fact often denigrate, cultural differences.
- (3) Schools which blame their own failures on the Indian student and reinforce his defensiveness.
- (4) Schools which fail to recognize the importance and validity of the Indian community. The community and child retaliate by treating the school as an alien institution.
- (5) A dismal record of absenteeism, dropouts, negative self-image, low achievement, and, ultimately, academic failure for many Indian children.
- (6) A perpetuation of the cycle of poverty which undermines the success of all other federal programs.

Causes of the Policy Failure. The coercive assimilation policy has two primary historical roots:

- (1) A continuous desire to exploit, and expropriate, Indian land and physical resources.
- (2) A self-righteous intolerance of tribal communities and cultural differences.

Office, Washington, D.C., 1966, and *Federal and State Indian Reservations*, U.S. Department of Commerce, Economic Development Administration, U.S. Government Printing Office, Washington, D.C., 1971.

**Indian Education: A National Tragedy—A National Challenge*, Report of the Committee on Labor and Public Welfare, U.S. Senate, made by its Special Subcommittee on Indian Education. U.S. Government Printing Office, Washington, D.C. 1969.

lines of inquiry

Conserving human resources means eliminating waste. Waste can occur through failure to provide for proper growth and development as well as through failure to assure outlets for seasoned skills, talents, and experience.

Students should probe the plight of youth and the aged with the question of waste in mind.

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Effective government action to conserve these human resources will need to answer at least two basic questions, which students should also consider:

- (1) What kind of programs will be most effective?
- (2) What priority should the cost of such programs be given in the allocation of financial resources?

action ideas

Research. Students can research the evolution of our national Indian policy through original documents by using, *The Indian in America's Past*, edited by Jack Forbes and published by Prentice Hall, Englewood Cliffs, New Jersey, 1964.

Evaluating History. Students could begin to get some concept of the unconscious ways in which prejudice can be fostered by evaluating history books, using the evaluative criteria established in *Minorities in Textbooks: A Study of Their Treatment in Social Studies Texts*, by Michael E. Kane. Published in cooperation with the Anti-Defamation League of B'nai B'rith by Quadrangle Books, 12 East Delaware Place, Chicago, Illinois 60611, 1970. In this connection, students should also be aware of the efforts in more and more of the nation's schools to make up for past neglect or inaccurate portrayal of the history and cultures of minority races in America. A good source for this kind of investigation is *Black Studies in Schools*, a special report of *Education U.S.A.*, the newsletter of the National School Public Relations Association, 1201 16th Street NW, Washington, D.C. 20036. \$4. (10 or more copies, \$3.20.)

Resources

Steiner, Stan. *The New Indians*. Harper and Row, Publishers, New York, N.Y., 1968. (Provides valuable insight into the character of today's young, involved Indian.)

Van Every, Dale. *The Disinherited: The Lost Birthright of the American Indian*. William Morrow and Company, New York, N.Y., 1966.

Deloria, Vine, Jr. *We Talk, You Listen: New Tribes, New Turf*. Macmillan Company, New York, N.Y., 1970.

The American Indian: A Dispossessed People, 2 sound filmstrips. Associated Press and Guidance Associates. Produced and distributed by Guidance Associates, Pleasantville, New York 10570.

Child Welfare Needs and Services in Oregon: Summary of the Report to the Governor's Child Welfare Study Committee. Greenleigh Associates, Inc., New York, N.Y. December 1968.

Strehler, Bernard, "Ten Myths About Aging," *The Center Magazine*, Volume III, No. 4, July/August 1970, pp. 41-49. Center for the Study of Democratic Institutions, PO Box 4068, Santa Barbara, California 93103.

supporting information

The Bureau of Indian Affairs reports that education is one of the major concerns of Indian tribes. "Many Indian families still have fears and doubts about the value of present educational opportunities for their children."

In 1969, the U.S. Senate subcommittee reported that Indians attending some public schools in Oregon have a drop-out rate of between 50 and 90 percent, depending upon the geographical location of tribal groups. The average for all Indians in Oregon approaches 75 percent, and those graduating between 1956 and 1965 actually showed regression in grade point average in comparison with non-Indians.

According to the subcommittee report, the number of suicides and alcoholics among the native population has greatly increased and the termination of the Klamath Reservation has led to extreme social disorganization of that tribal group. Many of them can be found in Oregon's mental and penal institutions.

The subcommittee's summary of its findings is included here as indicative of the problems faced by Oregon state and local governments, and especially Oregon's school districts.

THE PROBLEMS OF CHILDREN, YOUTH, AND SENIOR CITIZENS

Child Welfare Needs. "One of the outstanding characteristics of child welfare in Oregon is the genuine concern for children throughout the state."

according to a report by Greenleigh Associates, Inc., following a study commissioned by the Governor's Child Welfare Study Committee in 1968. Nonetheless, the report pointed out problem areas, some of which have reached crisis proportions. They are summarized briefly here.

(1) Services are uncoordinated and unevenly distributed and a scarcity of funds imposes serious inequities in the availability of services to children in different sections of the state.*

(2) Supportive services which could help the child remain at home are sorely inadequate. Homemaker service and family counseling services are needed in every community or county.

(3) One of the great deficiencies is day care for the children of working mothers.*

(4) Adoption agencies have difficulty finding adoptive homes for children who come from minority races, who are older, and who have physical or mental handicaps.* Many such children are denied the security of a loving home because families who want them cannot afford to adopt them.

(5) State records show a daily average of 191 children who are neglected or abandoned, who are picked up by the police, or discovered by neighbors, and who need emergency shelter care.

(6) The monthly average of children needing out-of-home or foster care is 4,000. However, because of the state's tax and revenue problems, funds have not been approved for foster care for all of these children.

(7) Oregon's child health program is basically sound, but shortages of trained personnel are acute. Only 240 public health nurses were employed throughout the state when, by public health standards, the number should be 400.

(8) Approximately 30 percent of the state's five-year-olds get some form of kindergarten experience in privately funded schools. Few disadvantaged children in rural areas have access to such schools.

(9) Great strides have been made in the development of special programs for the handicapped, but no state-supported programs exist for the trainable mentally retarded.

(10) Oregon's juvenile courts handle around 50,000 cases a year. Their jurisdiction extends to persons under 18 years of age who either have offended the law, are beyond their parents' control, display dangerous behavior, are run-

aways, or who are dependent, abandoned, neglected, or abused. Only five out of Oregon's 36 counties have juvenile detention homes, so many juveniles must be held in jail.

(11) About seven percent of the total births in Oregon are to unwed mothers, but Portland is almost the only area where services are provided for unwed mothers specifically. Others must be cared for by scattered voluntary agencies or public welfare.

Young Adults and the Aged. The problems of another minority will also take on new and more difficult dimensions in the 1970's. Today, the aged in Oregon are a growing force. The state is increasingly attractive to older people, and their overall numbers will swell.

The tendency of the aged to cluster together takes on special political meaning as they face the problems of inflation, steadily rising taxes, and the rising costs of the many services they need. The Project 70's Task Force writes:

"Politically and programmatically, the magnitude of this problem has even larger dimensions when one realizes that another huge slice of the electorate, namely the group of people in the last ten years before retirement, can see the handwriting on the wall and tend to identify closely with the problems and difficulties of those who are retired.

"That the aged, because of health and vulnerability to poverty, are also swelling welfare loads, crowding nursing homes, hospitals, and all manner of other public facilities, only adds to the dilemma of state and local financing. Requirements of services for the aged can only expand in the 1970's. Yet the aged, in league with other blocks of voters, will increasingly cast their votes against rising governmental costs.

"To all of these social problems must be added those of young adults, youth, and a broad category of people often called the disenchanté or the disaffected. The latter includes members of economically disadvantaged groups mentioned above and many of the aged. Disenchantment and disaffection result in part from limited upward social and occupational mobility. Its effects generally are unhappiness and suspicion of things as they are or as they seem to be. Persons so affected tend to look backward to what they consider the good and wonderful past. They look to the future, when

*The 1971 Legislative Assembly created a Children's Services Division, provided for state support of day care centers, and provided subsidies for children with special needs or handicaps. See pages 72-73.

lines of inquiry

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they look forward, only with foreboding.

"The youth and young adults of the 1970's will be better educated and more mobile than they are today. They will be proponents of the 'new politics,' characterized by concern for foreign policy issues, environmental quality, more and better education, and a burning desire for institutional change to remove many social and economic disparities.

"Thus, during the 1970's, Oregon can expect to have a large and growing block of voters who are in a substantially negative frame of mind, nurtured and strengthened by bitterness and frustration. It also will have a large block with a positive frame of mind, looking for new challenges and rectification of old wrongs and problems. These two groups increasingly will come into conflict and present some difficult challenges for the makers of public policy."

COPING WITH POVERTY: A PROBLEM WITH MANY FACETS

"Though the poor now comprise only 13 percent of the population of the country, they number about 25 million people, more than the entire population of Canada and half that of France or of the United Kingdom.

"The poor today in the United States are largely those unequipped by reason of some disability—age, sickness, physical incapacity, lack of

Resources

Dignity and Worth: A Statement on Improving Education for Disadvantaged Individuals. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1970.

The Cities and the Poor: Part I. Film: 60 minutes, black and white. The frustrations, aspirations, and fears of America's poor, the nature of social work. * \$12. Order No. CS-1716. Also **\$9.

The Cities and the Poor: Part II. Film: 60 minutes, black and white. The continuing unrest in the ghettos and the effects of this discontent on existing poverty programs. * \$12. Order No. CS-1717. Also **\$9.

The Poor Pay More. Film: 60 minutes, black and white. Special hardships faced by the poor in the area of consumer purchasing. *\$12. Order No. CS-1752.

The Welfare Revolt. Film: 60 minutes, black and white. Complaints of welfare recipients and their attempts to change the system by organizing local unions. *\$13. Order No. CS-1829.

Useful teaching materials include:

Durfee, David. *Poverty in an Affluent Society.* Inquiry into Crucial American Problems Series, Prentice Hall, Englewood Cliffs, New Jersey. 1970. (High school.)

Bennett and Newman. *Poverty and Welfare.* Justice in Urban America Series, Houghton Mifflin Company, Boston, Massachusetts. 1970.

Leinwand, Gerald. *Poverty and the Poor.* Problems of American Society Series. Washington Square Press, New York, N.Y. 1968. 75 cents.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

education or training, racial discrimination, or some other circumstance over which they have no control—to find gainful employment either in the private or public sectors of the economy, even though jobs are available. To the diminished number of Americans who endure the harsh realities of deprivation, their plight is nonetheless real.”**

Oregon's Welfare Program. “The present welfare system was brought into being in the 1930's when one-third of the nation was described as ‘ill-housed, ill-clothed, and ill-fed.’ The transcendent problems then facing the country were massive unemployment and the need to devise emergency measures that would provide sustenance for tens of millions of Americans. The welfare structure inherited from this emergency is entirely inadequate to cope with the problems of poverty in a high-employment economy.”*

The Social Security Act of 1935 really began public welfare programs in Oregon through its provisions for federal grants to states to help pay for assistance to certain types of needy citizens, and today public welfare in Oregon is still financed by state and federal funds. Until 1969, the counties also shared in the expenditures at which time the state assumed the counties' share.

The federal government matches Oregon's public assistance expenditures based on matching formulas with an equalization provision. When Oregon's per capita income decreases the matching increases and vice versa. The current shares are as follows:

(1) Old Age Assistance (OAA), Aid to the Blind (AB), and Aid to Dependent Children (ADC). The federal government pays 57.39 percent and the state 42.61 percent.

(2) Emergency Assistance. The federal payment is 50 percent of expenditures and the state pays 50 percent.

(3) General Assistance (GA). For those who do not qualify for any of the above listed programs, some might be eligible for General Assistance which is paid entirely from state funds.

(4) Administration. The federal government also meets 50 percent or more of the cost associated with the administration of federally supported programs. Some identifiable service costs may be matched at 75 percent.

**Improving the Public Welfare System. Committee for Economic Development, 477 Madison Avenue, New York, N.Y. 1970. (The CED is a group of businessmen and educators who research and report on many contemporary problems.)*

***Governor's Project 70's Task Force, op. cit.*

The programs mentioned are administered by the Oregon Public Welfare Division or the Children's Services Division in the Human Resources Department. The 1971 Legislature abolished county welfare commissions and replaced them with local welfare review boards. On the state level there will be a welfare advisory committee.*

Assistance to clients is provided either in terms of direct cash allocations or by requisition, depending upon need.

Medical care is provided by direct payments to the vendors of such services: doctors, hospitals, nursing homes, pharmacies, dentists, opticians, and other providers of medical services.

Food distribution programs also exist in most of the counties of Oregon and are designed to assure that everyone obtains the essential nutrients in his daily diet. Abundant foods provided by the U.S. Department of Agriculture are made available or food stamps are issued to be redeemed in retail markets. Eligibility for food distribution assistance is certified by the Public Welfare Division, while distribution is handled by the county agencies.

“THE DISINCENTIVES AND INEQUITIES BUILT INTO THE PRESENT SYSTEM TEND TO PERPETUATE THE VERY POVERTY THAT IT INTENDED TO ALLEVIATE AND TO ENCOURAGE CONTINUED DEPENDENCE ON WELFARE.”

The Committee on Economic Development reports that “Public assistance benefits are not sufficient to provide a decent living for most of the recipients. Poverty as defined by the federal government in 1968 was an annual income of \$3,553 or less for a family of four, and this can be regarded only as a bare subsistence level.”** Yet maximum benefits allowed by states for a family of four under the dependent children program in 1968 ranged from \$660 in the lowest state to about \$4,000 in the highest, with only a few states exceeding the poverty threshold. Maximum state benefits for an aged person ranged from \$600 to \$2,200 a year.

“Second, the system is far too limited in its coverage. Benefits provided by public assistance

**Doing away with local and state welfare commissions and their policymaking authority, which had diminished almost to the point of nonexistence as the qualifications for welfare became more and more dependent on federal legislation and directives.*

***The 1971 Legislative Assembly kept Oregon's subsistence rate at 80 percent of the actual cost of living.*

lines of inquiry

Students should be aware that government assistance includes not only "handouts" to the poor, but also "subsidies" to the rich—tax breaks and farm subsidies are an example.

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action ideas

Case Studies. To increase student awareness of government subsidies for "the rich" as well as "the poor," teachers can find many case studies like the following from Senator Stephen Young of Ohio:

"A young man lived with his parents in a low-cost public-housing development in Ohio, attended public school, rode the free school bus, enjoyed the free lunch program.

"After graduating he entered the Army and upon discharge kept his National Service Life Insurance. He enrolled in an Ohio university, using GI support. Upon graduation, he married a public health nurse, bought a farm in Southern Ohio with an FHA loan.

"Later he also started a feed and hardware business and secured help from the Small Business Administration when his business faltered. His first baby was born in the county hospital, built, in part, with Hill-Burton federal funds.

"He put part of his land under the Eisenhower Soil Bank Program and used the payments for not growing crops to help pay his debts.

"A loan from the Farmers Home Administration helped clear the land and secure the best from it. That agency suggested building a pond. The government stocked it with fish and guaranteed him a sale for his farm products.

"As the community grew, he signed a petition seeking federal assistance in developing an industrial project to help the economy of his area. About that time, he purchased a business and real estate at the county seat, aided by an FHA loan.

"He was elected to office in the local Chamber of Commerce. A little later it was rumored he joined a cell of the John Birch Society and also later the Liberty Lobby, both right-wing groups.

"He wrote his senators and congressmen denouncing excessive government spending. 'I believe in rugged individualism. People should stand on their own two feet, not expect government aid. I stand on my own two feet. I oppose all those socialistic trends you have been voting for and demand return to the free enterprise system of our forefathers. I and my neighbors intend to vote against you this year.'"

supporting information

are available today to only 40 percent of the poor population. The main group excluded under the present system of categorical assistance is the working poor, who work at full-time or part-time jobs but do not earn enough to escape from poverty. Thus, the system covers only a minority of the poor, though the millions left outside the system have a claim in terms of want and deprivation, equal to those who can qualify for public assistance.

"Third, the disincentives and inequities built into the present system tend to perpetuate the very poverty that it intended to alleviate and to encourage continued dependence on welfare. A major flaw in the welfare structure is that until recently it has afforded no inducements to work, because public assistance allotments were reduced customarily by the amount of family earnings, dollar for dollar, so that the effect was to put a 100 percent tax on earnings.

"Furthermore, the nature of the investigative procedures for qualification are repressive and demeaning to the recipients of welfare, as well as being one of the chief sources of the very widespread inefficiency and waste of manpower that afflicts the entire system. At the very worst, certain restrictions—those excluding families with a male head of household from inclusion in the dependent children program—create a financial incentive for the

breakup of family units. An employed father, by deserting his wife and children, entitles them to public assistance benefits.

"Over the years, the welfare system has been improved by revisions of public assistance programs that now provide cash payments to some 10.4 million of the poor. But these revisions have been piecemeal in nature, and . . . the wide variation in state levels of public assistance payments and welfare services that is permitted and even fostered by the present 'system' has placed unfair and onerous financial burdens on some states and communities. In effect, there are 50 different welfare programs in the United States, with the states being free to decide such matters as how much of the federal money for welfare available to them they wish to accept; how they will share with their localities; what rules and eligibility regulations, within a framework of federal regulations, they wish to apply; what levels of payments they prefer.

"As a result, those states attempting to shoulder responsibility are heavily penalized financially. Furthermore, the wide variations in the level of assistance offered in different states furnish incentives to migrate from low-assistance states to high-assistance states, particularly if the former also suffer from high unemployment and under-employment rates." *

In the past, Oregon state taxpayers have borne a relatively heavy public assistance burden. But it is significant to note that their burden has decreased over time and is now less than the average borne by all taxpayers across the United States.

EXPENDITURES FROM STATE AND LOCAL FUNDS FOR PUBLIC ASSISTANCE PER \$1,000 OF PERSONAL INCOME

State	1954	1957	1960	1963	1970
Oregon	\$6.21	\$5.70	\$4.91	\$4.23	\$3.49
Washington	7.81	10.32	8.74	6.47	4.44
Nevada	3.19	3.42	3.88	3.47	2.86
California	6.86	5.76	6.43	7.13	6.99
United States	4.53	4.27	4.56	4.50	4.12

However the Governor's 1971 legislative message stated, "Inflation, unemployment and family break-up have combined with costly federal administrative and court decisions to skyrocket public welfare caseloads and expenditures. While

"THE PRESENT SYSTEM EXCLUDES THE WORKING POOR, WHO HAVE FULL OR PART-TIME JOBS, BUT DO NOT EARN ENOUGH TO ESCAPE FROM POVERTY."

the fiscal impact of these circumstances has been severe in all states, it has been particularly devastating in Oregon.

"The result has been a projected public welfare deficit of \$19 million which has been overcome only by stringent control of expenditures. For 1971-73, the outlook is even more ominous, with welfare siphoning off vast amounts of General Fund moneys otherwise available for state support of education and property tax relief.

"Despite the obvious complexity of public welfare problems, we must engage them head-on.

"We must intensify our efforts toward vigorous fraud investigation and relentless pursuit of nonsupporting fathers.

"We must seek innovative means of reversing current welfare trends. The Family Assistance Plan proposed in the last session of Congress, with modifications, could turn these trends around.

"We must redouble our efforts in education, training, and rehabilitation for current or potential welfare recipients. Adequate provision for employment referral and child care services is essential to the success of these programs.

"We must recognize that regardless of the adequacy of training programs, many welfare recipients will still remain at a competitive disadvantage in today's labor market. The federal law should be changed to allow states to implement a public works program affording employment opportunities for those who cannot be placed in the private sector.

"Finally, we must continue to urge the federal government to assume all, or a substantially larger portion of the fiscal responsibility for public welfare."

**Ibid.*

lines of inquiry

Patterns of government organization can provide serious obstacles to effective programming to meet changing conditions.

Students should recognize that bureaucracies have built-in mechanisms to resist change, and they should be aware of what some of the causes for resistance are and how they might be eliminated.

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action ideas

Using Current Magazines. To get some concept of the complexity and controversial nature of many of government's responsibilities, students can use current magazine articles as a source of information and prepare a list of social welfare problems faced by one governmental unit today (for example, welfare, corrections, education, community health). This research could become the basis for class discussion, bulletin boards, career exploration, or community action projects.

Community Service Project. Every high school student can have an opportunity to gain practical experience in responsible citizenship through projects which require students to identify problems in their own communities, research the causes and alternative solutions, submit plans for action, recruit community support, and carry through on their ideas. For example, projects to bring needed services to children or senior citizens can provide such experience.

Whenever possible, class or group projects should go beyond designing programs that involve only the *performance* of volunteer services by the students themselves. Rather, they might focus on bringing about the establishment of permanent, ongoing community services or improvements. Projects to bring about permanent change or improvement will be more likely to require that students learn how to use government agencies and services—local, state, and federal—and become more aware of both the mechanisms for community action and the skills that are needed to organize, coordinate, and finance needed community services.

Resources

Write to the State Department of Education, Montpelier, Vermont, for information about DUO (Do Unto Others), a course of study designed to involve Vermont high school students in volunteer community service for academic credit.

Joint Reference Library. *Recent Publications on Governmental Problems.* Bibliography of current articles that pertain to a variety of subjects dealing with state and local government, law, taxes, etc. Joint Reference Library, 1313 E. 60th Street, Chicago, Illinois 60637. Published twice each month. \$10 per year.

supporting information

OREGON'S HUMAN RESOURCE PROGRAMS: THE SOCIAL SERVICES*

State government's social services are those programs of direct action aimed at specific people and their social problems. Social services are designed to protect, rehabilitate, care for, or hold in custody those who cannot cope with the demands of society without such assistance. Social service programs are progressively being viewed as a major group of related functions which are in themselves distinguishable from other major state activities, such as regulating or promoting economic activity, managing and developing the state's resources, or providing services and facilities for the general public's convenience.

Social services include programs of employment and manpower training, vocational rehabilitation, welfare, civil rights, mental health, corrections, and the various services to the deaf and blind. Each of these programs deals directly with people and their social problems. Some are presently organized as separate departments under the Governor. Others are under the supervision of the Bureau of Labor, or independent boards and commissions.

Education is not included because it has been governed and operated in a distinctive way over a long period of time and traditionally has been considered a large and unique element of government

*Project 70's Task Force, *op. cit.*

activity by itself.

Programs concerned with public health, employment standards, industrial safety, and injury compensation also have a relation to the social services, but are primarily regulatory or compensatory, rather than of a direct service nature.

Evolving Role of the Social Services. Most social service agencies originally were created as separate agencies of government to perform distinct, ongoing, day-to-day functions, not to grasp and solve emerging social problems together. However, today, ideas of what service programs can and must do are radically changing.

The Employment Service was established to perform the separate routine function of matching employees with employers. Now more than half of its resources are directed toward solving the job and training problems of the disadvantaged.

The Vocational Rehabilitation program was established to provide a personalized form of employment and training-related service and counseling for the physically handicapped and those mentally handicapped persons who were not institutionalized. Now the program addresses itself to the "socially handicapped," who may include released prisoners, released mental patients, drug and alcohol addicts who have been through treatment, illiterates, indeed, anyone whose social problems keep him from his highest potential employability.

The welfare program was established to perform the distinct, routine function of providing minimum living allowances and care for persons dependent upon the community. Now the program engages in major rehabilitation efforts to help people get off of welfare and gain independence, through counseling, education, and training.

The Governor's Economic Opportunity Office administers federal grant programs to mobilize the human and financial resources of the state to combat poverty. This includes identifying the problems and concerns of the disadvantaged, developing active involvement of leaders from a variety of publics to seek solutions, and providing technical assistance to agencies and programs dealing with poverty.

Our corrections system originally emphasized

the job of keeping criminal offenders in custody, in order to punish them and protect society. Now the corrections system is engaged in a vast program of treatment and rehabilitation, and is looking at early detection and prevention methods for reducing criminal offenses.

"EACH OF THE SOCIAL SERVICE PROGRAMS HAS BEEN INJECTED WITH FEDERAL MONEY, A SENSE OF URGENCY, AND A RISING EXPECTATION OF WHAT CAN BE DONE; AND EACH HAS RESPONDED SEPARATELY."

Oregon's mental health system originally was a way of providing care and custody for the retarded or insane in state institutions. Now the emphasis is on treatment and rehabilitation programs for these persons, as well as for persons with temporary mental breakdowns, for drug addicts, and alcoholics.

The state civil rights program was established basically to provide an orderly system whereby an individual could initiate action to get relief from a specific incident of discrimination against him. Now society is forced to look at the whole pattern of discrimination against minorities, and the results of long-standing neglect and segregation on the way of life in minority communities and there is increasing recognition of the fact that an individual complaint system hardly touches the problem. So Oregon's civil rights agency is moving toward positive action programs of minority assistance, and a focus on the problems of minorities as groups.

Each of the various social service programs has been injected with federal money, a sense of urgency, and a rising expectation of what can be done. And each has responded—separately. (Yet in doing so, agencies are, to a remarkable extent, addressing themselves to the same problems and the same people, merely defining the problems and people in terms of their own agency functions and their own type of professional expertise.)

In 1969 the Governor assigned a human resources coordinator the task of aiming the state's considerable resources toward an attack on its social problems, and in 1971, the Legislative Assembly created a Department of Human Resources.

lines of inquiry

action ideas

Role Playing. An effective approach to understanding the need for government regulation of employer-employee relations when a race issue is involved is in Case No. 4, "A Commission Hearing," in *Voices for Justice: Role Playing in Democratic Procedures*, by Charles Quigley and Richard Longaker, Ginn and Company, Statler Building, Boston, Massachusetts. 1970. (Grades 8-12.)

supporting information

The New Human Resources Department.* The overall aim of the legislature in creating the Human Resources Department was to stem the rising cost in social services by delivering the services more efficiently and spending more money on the actual services rather than on administration, according to Jacob Tanzer, appointed by the Governor to head the new agency.

One of the first orders of business will be to get the Children's Services Division functioning and to unify the efforts of agencies dealing with children. Creation of the new Children's Services Division within the department will reduce by more than half the size of the Public Welfare Division. Under the plan approved by the legislature, half of the 1,200 person staff of the Public Welfare Division representing all the services provided to young people, including aid to dependent children (ADC), foster homes, adoption services, and others, will be taken over by Children's Services. The move will leave the Welfare Division responsible for old age assistance, aid to the disabled, aid for the blind, and other services which do not involve children.

The initial concentration of the Children's Services Division will be in five major areas:

(1) Restorative services to families on ADC rolls (social services, counseling, and help for mothers whose children have problems)

*Based upon The Oregon Legislature, 1971. A special report by the *Capital Journal*, Salem, Oregon, July 17, 1971.

- (2) Employment and training programs to encourage self-support
- (3) Foster care for children with problems at home
- (4) Providing a primary source to which people can turn with information or complaints of child abuse
- (5) Day care centers to provide mothers an opportunity to work or gain vocational training (licensing and inspecting facilities, coordinating state and federal aid)

The Health Division under the Department of Human Resources will bring together under one agency the many health-related boards and services of state government and will work in three major areas:

- (1) Administration of the State Board of Health policies
- (2) Comprehensive health planning, including the licensing of hospitals and nursing homes
- (3) Budgetary and administrative services to the 14 health-related licensing boards which formerly reported to the Governor's Office.

The Vocational Rehabilitation Division of the department, whose programs are financed about 95 percent by the federal government and 5 percent by state matching funds, received a \$3 million increase in its budget from the 1971 Legislative Assembly to increase its staff and programs (applications for assistance average 1,400 a month). This means the agency will begin extending vocational training to more severely handicapped workers through subsidies to private, nonprofit workshops such as Goodwill Industries and others. The legislature also approved using welfare money to subsidize training programs for handicapped persons, permitting welfare to pay \$100 per month to up

to 200 handicapped persons being trained in private workshops.

Including of the State Employment Division in the new department will mean little change in its operation, primarily because it is financed almost entirely by federal funds and already works closely with such agencies as welfare, vocational rehabilitation, etc. However, 1971 legislation will have an effect on the services this division provides. New legislation:

- (1) Permits an additional 13 weeks of unemployment benefits and raises the weekly payment from \$55 to \$62
- (2) Extends benefits to hospital employees, higher education faculty, agricultural processing workers, employees of nonprofit organizations
- (3) Increased the budget of the Work Incentive Program to cover about 97 percent of eligible welfare clients
- (4) Makes it unnecessary for minors to have employment before obtaining a work permit.

The establishment of mental health clinics in centrally located communities throughout the state was postponed by the legislature due to lack of funds. However, a pilot project to deal with severely disturbed children was established. It will provide two day care centers, two acute treatment facilities, and two diagnostic-consultative teams which will serve as "information banks and resource people for further expansion of programs in the future." The program will be taken over by the Children's Services Division. Another significant piece of new legislation does away with the concept of alcoholism as a criminal offense, classifies it as an illness, and gives the Mental Health Division authority to establish "detoxification centers" and homes to deal with alcoholics. The program will depend on federal funding.

lines of inquiry

Group living has always required rules to govern behavior. How broadly or narrowly acceptable behavior is defined will determine the parameters of freedom.

Oregon's new criminal code represents a redefinition of legally acceptable behavior and students could certainly benefit from studying the important issues that were involved.

action ideas

Research or Debate Questions. How should an increasingly complex and crowded city, or state, respond to demands for greater individual freedom of life style, speech, and political ideas?

Can morality be legislated?

Should prevention take priority over punishment in the allocation of resources?

Has punishment by imprisonment or death penalty been effective?

Does Oregon need even a further redefinition of crime? Are there too many kinds of behavior classified as criminal? Too few? Why?

supporting information

LAW ENFORCEMENT IN THE 1970'S*

People who read newspapers need little reminder of the issues of law enforcement facing us in the 1970's. Many of the serious domestic problems of American life in the 1960's—race relations, juvenile delinquency, strikes, protest marches—have involved tensions between law enforcement officials and other segments of American life. These problems are likely to continue and even grow in the coming decade.

Some citizens have come to the defense of the police and "law and order," after observing rising crime rates, growing disrespect for law and the police, demonstrations of civil disobedience, and outbreaks of civil disorder and riots.

Other citizens complain that the police lack appreciation for the Constitution and violate individual rights of privacy and protest. They charge that policemen are unable to relate to minorities, youth, or the poor; are poorly trained, poorly educated, and insensitive.

The Project 70's Task Force writes, "Behind this steamy and inconclusive debate, one fact stands out that can be accepted by both camps, and which forms the basis for a positive approach to solving law enforcement problems. That is the need to improve the quality of police performance. Suddenly, the onrushing problems of this decade are forcing us to recast the old

Resources

Student reading of value in exploring the line of inquiry suggested on this page are:

Fraenkel, Jack. *Crime and Criminals*. Inquiry into Crucial American Problems Series, Prentice Hall Englewood Cliffs, New Jersey, 1970.

Crimes and Justice. Justice in Urban America Series, Houghton Mifflin Company, Boston, Massachusetts, 1970.

Oliver and Newman. *Rights of the Accused*. Harvard Public Issues Series, American Education Publications, Columbus, Ohio, 1968. 40 cents.

*Project 70's Task Force, *op. cit.*

role of the policeman to a new one more appropriate to modern life. We now expect a combination of constitutional lawyer, sociologist, public relations man, and highly trained enforcement official. Upgrading the quality of local law enforcement officials has been the thrust of recent federal and state government action in response to law enforcement problems.

The State's Role in Law Enforcement. Responsibility for criminal law enforcement in America traditionally has been in the hands of local officials. City and county police are responsible for apprehending criminals; local district attorneys in each county prosecute criminal cases.

Nowhere in government is there greater public consensus for keeping a function under local control than in the case of law enforcement. State interference in local law enforcement is suspect, and federal interference elicits nightmares of a totalitarian national police force. Except for a small number of crimes designated as interstate and under the jurisdiction of the federal government, the FBI is limited to an investigatory role and to assisting local police in their efforts. The State Police in Oregon generally confines itself to highway patrol and enforcement of fish and game laws, unless called in by local police officers on criminal matters.

Because criminal law enforcement is a local matter, there are some insistent problems of law enforcement inevitably flowing from the fragmented, uneven nature of a locally controlled function. A multitude of small police forces operate within the small jurisdiction of their own cities or counties. Cooperation of these units usually is informal and often is inadequate. There are great variations in the quality, experience, and training of police officers among the jurisdictions with many officers in rural and small-town areas poorly trained and poorly paid.

Although crime does not recognize jurisdictional lines, government does. Oregonians therefore are left with hundreds of small, fragmented local police jurisdictions, and with a great reluctance on the part of state government to force coordination or a binding set of state standards on local police units.

However, in the wake of America's major domestic problems associated with the issues of

law enforcement, both federal and state governments have had no alternative but to assist local governments in improving the qualifications of their police officers, to encourage local coordination and to provide needed central services.

Federal and state efforts on behalf of law enforcement in the 1970's will be in the direction of assuming a more active leadership role in upgrading local government police units, improving central services (such as crime laboratories and criminal identification systems), and providing training for local police.

The federal role basically is to provide money and insist upon coordination in its use. The state's role is to set standards for local police, provide central services and training, and to dispense federal and state funds to local police units so as to improve interunit coordination. In addition, the state takes on the broader function of clarifying the relationships between law enforcement and the social aspects of crime control, and developing a coordinated program involving both types of agencies and both levels of government.

The State Police, in addition to serving as state government's law enforcement agency, provide crime laboratory and identification services to local governments, train local police officers, and assist local police in major disorders or emergencies at the request of local officials.

The Board of Police Standards and Training was created in 1961 to advise and recommend minimum standards and training requirements for newly hired local police officers in all but the smallest jurisdictions. In 1967 the Board's role was changed from an advisory status, giving it authority to set qualifications and training standards. The Board represents a broad spectrum of state and local law enforcement officials, local government officials, and private citizens, although its focus is limited to setting standards for law enforcement officials.

The Law Enforcement Council was established in 1967 and enhanced by the federal Omnibus Crime Control and Safe Streets Act of 1968. This council, representing state and local officials in law enforcement, the legislature, the courts, and corrections and juvenile programs, is the vehicle for receiving federal grants under the act and allocating them to various state and local agencies for the purposes of crime control. The

lines of inquiry

Students can be encouraged to clarify their own understanding of "democracy" and "freedom" by considering the ways in which the following statement could be proved or disproved:

"The dread of disturbance and the love of well-being insensibly lead democratic nations to increase the functions of central government as the only power which appears to be intrinsically sufficiently strong, enlightened, and secure to protect them from anarchy. . . .

"All the particular circumstances which tend to make the state of a democratic community agitated and precarious . . . lead private persons more and more to sacrifice their rights to their tranquility. . . .

"The love of public tranquility becomes . . . an indiscriminate passion, and the members of the community are apt to conceive a most inordinate devotion to order." . . . Alexis De Tocqueville, from *Democracy in America*.

action ideas

Resources:

Jenkins, Herbert. *Keeping the Peace: A Police Chief Looks at His Job*. Harper and Row, Publishers, New York, N.Y. \$2.45. 1970.

"Crime and Punishment in America," *The Center Magazine*, May/June 1971. Center for the Study of Democratic Institutions, PO Box 4068, Santa Barbara, California 93103. Covers such issues as the causes of crime, the law, selective enforcement, the police, wire-tapping, pretrial detention, no-knock, organized crime, drug addiction, punishment and deterrence, prisons and corrections, immunity and the Fifth Amendment.

"Report on Law Enforcement in the City of Portland," *Portland City Club Bulletin*, August 30, 1968. City Club of Portland, 420 Park Building, Portland, Oregon 97205.

supporting information

The council operates within a broad crime control perspective, spread from social programs of prevention, rehabilitation and community relations to regular police work and the control of civil disorders. It allocates federal funds between police units and agencies concerned with the social causes of crime, or with the treatment of offenders.

Alternatives the council must consider, as it sets aside portions of its total federal grant for the improvement of law enforcement include:

- (1) Allocating the whole block of funds to local governments directly
- (2) Allocating the whole block of funds to the Board of Police Standards and Training for distribution
- (3) Channelling funds through the State Police and an advisory board of local police officials for allocation to local police units; or
- (4) Allocating funds to both state and local police jurisdictions and distributing the funds directly to these units.

The lack of police services in some rural, small town, and newly incorporated suburban areas of the state is as serious a problem as is the low quality of existing police services in other areas. The state might assist in providing more law enforcement personnel to these areas by using its authority to enforce standards locally, by deployment of

State Police to perform local law enforcement on a contract basis with local jurisdictions, by encouraging small political subdivisions to contract with larger adjacent local jurisdictions for police services, or perhaps even by direct contributions of state financial aid.

The state's role in upgrading local police quality can involve the setting of higher qualification standards; the broadening of the present standards of coverage to include small jurisdictions now excluded; providing broader and deeper state training services for voluntary use by local jurisdiction; the establishment of compulsory state-sponsored training for all local police officers through a State Police Academy or similar institution; or, ultimately, even the direct allocation of federal and state funds to local police units for salary increases, locally conducted training efforts, or local purchase of equipment and supporting services.

The Law Enforcement Council stands in a position of broad perspective over the issues of law enforcement in the 1970's. It is organized to provide a grasp of the interrelations between the social causes of crime and the tough challenges of the field of law enforcement.

THE ISSUES OF CRIMINAL JUSTICE

In 1970, for the first time in Oregon's history, a group of 45 professionals from the four major disciplines of the criminal justice system met to explore the malfunctioning of the system and to try to establish some priorities which would bring about changes. The purpose would be to determine how the four disciplines—police, judiciary, prosecuting attorneys, and corrections administrators—could work together more successfully toward crime prevention, the protection of society, and rehabilitation of offenders.

The workshop, sponsored by the Jackson Foundation and Portland Community College, resulted in agreement on the following list of priorities for improving Oregon's total criminal justice system. They are listed here to provide teachers with an overview of the issues with which Oregon citizens will be involved in the coming decade.

- (1) Provide noncriminal alternatives to all segments of the criminal justice system, and support a redefinition of crimes so as to remove certain types of problems from the system, such as minor traffic offenses, the chronic alcoholic, the drug user, etc.
- (2) Improve communications between the courts, corrections system, district attorneys, and police.
- (3) Allow fingerprinting of juveniles.
- (4) Promote citizen awareness of the criminal justice system, and involve the field of education, beginning at the elementary level, to help bring about this awareness.
- (5) Authorize prosecution by information as an alternative to grand jury indictment.
- (6) Eliminate bail as a matter of right, and authorize the courts to have discretion on the question of bail on appeal.
- (7) Unify the court system by establishing a one-level or two-level system.

It stands in a position to study, plan, and develop program packages that can bridge the gap between those who are demanding law and order at the expense of justice, and those who are demanding justice at the expense of law and order.

OREGON'S NEW CRIMINAL CODE

Oregon is part of a major criminal law reform movement now occurring in this country, as evidenced by the passage of a new Criminal Code in 1971, the product of three years of concerted effort by the Oregon Criminal Law Revision Commission.

The new code encompasses departures from previous law that range from minor modifications to major policy changes, according to the commission chairman:

"The new code (effective January 1, 1972):

- (1) "Provides that teachers may use reasonable force to maintain order.
- (2) "Defines criminal trespass and empowers school authorities to order persons misusing school premises to leave or be arrested for trespassing.
- (3) "Repeals prohibition of minors smoking in public.
- (4) "Clarifies the definition of loitering and prohibits loitering in or near school buildings or grounds.

"It is self-evident, however, that sensitive and controversial provisions are contained in the new code. A law revision project, especially one concerned with the criminal laws of the state, could not—and should not—avoid such matters and still discharge its responsibilities.

"Among the more polemical changes recommended by the commission are:

- (1) The abolition of criminal penalties for adultery, lewd cohabitation, seduction and private consensual homosexual conduct between adults
- (2) The approval of reasonable mistake as to the female's age as a defense to statutory rape
- (3) The repeal of the *M'Naghten Rule* as a test for legal insanity and adoption of the Model Penal Code's somewhat broader definition
- (4) A new concept of criminal assault which requires the intentional or reckless infliction of actual physical injury on another
- (5) Abrogation of degrees of murder.

lines of inquiry

It should be noted that the new Criminal Code deals only with substantive changes (redefining crimes and their punishment). During the 1971-73 biennium the Criminal Law Revision Commission will be working on proposed changes in criminal procedures statutes and procedures are directly involved with the organization of the courts and the quality of justice.

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In considering the reorganization of Oregon's trial courts, the question seems to be not whether reform is needed, but rather what form it should take. The issue in Oregon is in the debate stage and may be picked up and followed in the local press and also, because the issues are universal, through national media. The O'Connell-Leavy debate might be used as a springboard into such inquiry. (See also pages 316-325.)

action ideas

Participation in Community Action. Students can gain important experience in participatory techniques if they learn how to follow the deliberations of a commission such as the one for criminal law revision, attend hearings, express their own viewpoints through testimony or letters, and follow the course of proposed legislation as it meets with opposition or support from various pressure groups.

Resources

Law and Courts in the News: A Layman's Handbook of Court Procedures, With a Glossary of Legal Terminology. American Bar Association, Committee on Public Relations, American Bar Center, Chicago, Illinois.

Report of the Judicial Council of Oregon. Judicial Council of Oregon, Supreme Court Building, Salem, Oregon 97310. 1966.

Write to Don Paillette, Executive Secretary, Criminal Law Revision Commission, 311 State Capitol, Salem, Oregon 97310, and ask to be put on the mailing list for notification of hearings and materials distributed by the commission.

supporting information

"Two other areas in which significant policy changes are legislated involve gambling and obscenity. The sections on gambling focus on the professional, exploitative kind of conduct and do not prohibit the 'friendly social game.' The obscenity sections make no attempt at controlling material that is dispensed to or consumed by adults, but do try to carefully define the legal limits of permissible materials for minors or public displays of nudity or sex for advertising purposes.

"Probably the most notable aspect of the proposal and a major concern of the commission are the grading and sentencing provisions which employ an offense classification system. Each offense, excepting the noncriminal 'violation,' is classified as a felony or misdemeanor under an A, B, C format, according to the seriousness of the crime. The grading and classification of offenses was the final step in the drafting of the specific crimes to ensure that differences in their gravity were appropriately considered and that similar penalties would attach for similar offenses.

"The code contains 181 fewer crimes than the previous law. Of the 181 crimes deleted, 34 would be repealed outright with no comparable statute reenacted, and the other 147 crimes would be covered by new, comparable provisions that eliminate needless distinctions and redundant sections by consolidating

similar offenses.

"The substantive changes in the proposed code are set forth in a new format that is designed to present the provisions as clearly and simply as possible. Everyday language is used wherever possible and terms that are intended to have fixed legal meanings are fully defined. The liberal use of definitions in each article permits a shorter and less complicated statement of the elements comprising each statutory offense. . . .

"One final observation about the proposed code needs to be made. It does not contain procedural provisions, with a few minor and one major exception—the section dealing with procedure in cases of mental disease or defect excluding responsibility.

"The commission believes that a comprehensive revision of the criminal procedure statutes should be the next order of business and will now begin work on a procedural code."

REORGANIZATION OF OREGON'S TRIAL COURTS

"The machinery of justice—the way in which courts are organized and cases processed through them—exerts a powerful influence on the quality of justice and on the popular acceptance of legal institutions without which there is no hope for a free society or the good life . . . It should always be kept in mind that the citizen's most frequent experience is with the inferior courts, and the quality of justice in these courts is the most important of all in terms of inspiring respect for law and legal institutions."*

Merged Courts Proposed To Speed Oregon Trials.** In 1971 the legislature considered, but took no action on, a bill to merge Oregon's 31 district courts into the state's 59-judge circuit court system. Following are excerpts from *Oregonian* stories reporting the arguments for and against suggested improvements in Oregon's court system.

"Oregon's court system is busily, and fairly efficiently grinding away—on borrowed time.

"Unless improvements are made and the system streamlined and made more functional, massive delays and a clogging of the courts lie just around the corner, in the opinion of Chief Justice Kenneth J. O'Connell of the Oregon Supreme Court.

*From the biennial report to the 1971 Legislative Assembly by Oregon's Judicial Council. The council was abolished in 1971. (See also page 317.)

**Excerpts from a story by *Oregonian* staff writer Peter Tugman, February 7, 1971.

"Root of the problem is Oregon's multi-layered court system, which allows costly and time-consuming duplication of effort and saddles many judges with a mountain of unimportant paper work which could just as easily be handled by a layman, in O'Connell's opinion . . .

"The plan would also create a statewide system of 'magistrates' who would handle traditional duties of the Justice of the Peace plus other pro forma chores now saddled on Oregon's district judges . . .

"The entire circuit court system would come under supervision of the Oregon State Supreme Court.

"The system of magistrates would be under supervision of the circuit courts.

"The plan's proponents believe the result would be a more efficient, more flexible court system which in the end would mean a savings to the taxpayer and a better guarantee to the citizen that the quality of justice throughout Oregon would be even.

"The efficiency and flexibility of the system would also insure that Oregon's courts would not succumb to the population pressure and rising tide of litigation which have made Eastern courts an almost hopeless quagmire.

"Legal scholars, from U.S. Supreme Court Chief Justice William Burger to deans of law schools and practicing attorneys, have sounded the alarm as many of the nation's court systems have slowed almost to a standstill.

PUNISHMENT WITHOUT TRIAL

A U.S. Justice Department says that 83,079, or 72 percent, of the 160,863 prisoners in city and county jails—counted by census takers on a single day last year—had not been convicted. Thirty-five percent were awaiting trial and could not afford bail or were being held on nonbailable charges. Seventeen percent were not yet arraigned or were being held for other authorities.*

On that day Oregon reported 709 such persons in city and county jails. However, the 1971 Legislative Assembly enacted a new law requiring that a defendant be tried within 60 days after arrest or be released on bail.

**Look Magazine*, March 23, 1971.

"Justice delayed is justice denied," is the theme of these warnings. But there is an underlying warning that courts which become powerless to deal with the rising tide of litigation and crime lead to a public disparagement of the courts; or law and order itself.

lines of inquiry

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action ideas

Mock Trial. Students might conduct a mock trial in order to become acquainted with trial procedure which is a fundamentally important aspect of due process of law. An excellent resource for such an activity is the book, *Lessons in Conflict: Legal Education Materials for Secondary Schools*, by William M. Gibson. The material was developed by the Law and Poverty Project of the Boston University School of Law and is available from the Lincoln-Filene Center on Citizenship, Tufts University, Medford, Massachusetts. Also, see pages 316 to 325 in this handbook.

supporting information

"What does the O'Connell plan mean to the ordinary citizen? A number of things, remembering that each citizen really has three vested interests; wears three hats where the courts are concerned:

- (1) The citizen is first a taxpayer, concerned that his tax dollar be wisely spent, that he is buying good government.
- (2) The citizen is secondly a potential defendant in criminal proceedings, and a potential plaintiff or defendant in a civil action. The quality of justice becomes a paramount concern once a summons is served.
- (3) The citizen as citizen, must be interested in the abstracts of justice and equality as they affect his society.

"The citizen as potential litigant would profit by the O'Connell plan through the elimination of the trial de novo (see page 323) and the invidious use of the appeal from district to circuit court as a squeeze play against the small defendant.

"At present the system can work this way: You are a middle income citizen suing a large and powerful firm. You win a \$2,500 judgment against the big guy in district court. The defendant's lawyer comes to your lawyer and asks: 'How long can your man wait for payment of the judgment?'

"Your lawyer answers, 'This law suit has cost him. He has me to pay, plus the money damage he suffered which is the basis of his suit.'

"The big firm's attorney will answer, 'We are prepared to appeal to circuit court. This may take a long time and your client may lose in the second go around. We are prepared to pay off the district court judgment at 50 cents on the dollar.'

"Because you are a little guy and can't stand the extra time and expense you settle for 50 cents on the dollar on the judgment you won fairly in district court. Because of the form of court records, they will show that the judgment was satisfied in full.

"The merging of district court into circuit court would do away with this noisome practice.

"The small claims, \$200 and less, would be shifted down to the magistrate where they will be handled as they have been traditionally, with each litigant acting as his own attorney. Appeals from this magistrate's court could be taken to circuit court, a matter of law (not fact) only.

"The taxpayer as citizen should be interested in the improvement of the quality of justice offered by the one-layer court system.

"At present the monied defendant in such serious misdemeanors as driving under the influence of intoxicants, plays a variation of the 'judgment squeeze play' outlined above.

"This variation is called 'plea shopping' and works this way:

"The monied defendant is arrested for DUIL (drunk driving). He hires a good lawyer, and the stall begins in district court (or sometimes municipal court). Purpose of the stall is to enable witnesses to forget or move away; officer's notes to grow cold and recollections to grow dim.

"Assume this strategy fails in the district court and the wealthy defendant is convicted of DUIL. He files notice of appeal to circuit court and asks for a full jury.

"Now he has the pressure on the overburdened police and also the district attorney, who must free a prosecutor for the new trial. Circuit courts historically have not shown great interest in DUIL appeals.

"The wealthy defendant goes 'plea shopping'; he agrees to cop out to a lesser charge of reckless driving in exchange for withdrawing his appeal.

"This is not a healthy situation and it applies to

other crimes like prostitution, soliciting for prostitution, and the like.

"The concerned taxpayer as citizen should be interested in ending plea shopping at least as far as district and circuit court are concerned."

PLEA SHOPPING*

The inefficiency of court systems in more populous parts of the country has led Chief Justice Warren Burger to say, "There is no question that the courts couldn't function for a day without plea bargaining. As many as 90 percent of all criminal cases are settled by guilty pleas. A decline in this number would inundate the courts." According to the Chief Justice, "A reduction from 90 percent to 80 percent in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors, courtrooms. A reduction to 70 percent trebles this demand."

*Look Magazine, March 23, 1971

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Merger Plan Opposition: "Not all Oregon judges and attorneys favor the court reorganization plan advocated by Chief Justice Kenneth J. O'Connell. . . .

"Circuit Judge Edward Leavy of Eugene has expressed strong opposition to the O'Connell plan. . . .

"Leavy pointed out that the Judicial Council of Oregon also accepted in its December 1970 report a different reform program for Oregon's courts.

"Judge Leavy proposes that instead of merging the state's district courts into the circuit court system, all courts below the circuit court be combined; and justice courts be replaced by a system of magistrates statewide. This is essentially the position of the Judicial Council report. . . .

"The nub of Judge Leavy's opposition to the O'Connell plan is that it would cost too much, render the circuit system unwieldy and not accomplish too much in reform that is really needed.

"He said O'Connell's argument that an enlarged circuit court would do away with the noisome 'trial *de novo*' (retrial of an inferior court case in circuit court) is not well founded.

"Our records show that in 1970 Lane County's five circuit judges spent only 49 court days reviewing appeals from lower courts. This is not an onerous load.' Records in Lane County reveal during 1970 over 40,000 cases were filed in circuit court. . . .

"Leavy pointed out that in order to do away

**Ibid.*

lines of inquiry

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action ideas

Interpreting News. Over a period of time, students can collect news reports and letters to the editor relating to the courts and their role in applying criminal justice. Analyze them to determine the central issues and problems expressed. Check the accuracy of the findings by doing a public opinion poll, or by inviting representatives of differing viewpoints to react to them, or to define the issues and problems as they see them.

Career Exploration. Investigating new careers opening up in the field of law could serve as a springboard for study of the challenges facing Oregon state and local governments in the next decade in the areas of environmental quality protection, consumer protection, etc.

Resources:

Laws and Courts in the News: A Layman's Handbook of Court Procedures, With a Glossary of Legal Terminology. American Bar Center, Chicago, Illinois.
Biennial Report of the Judicial Council of Oregon, 1966, 1968, 1970. Judicial Council, Supreme Court Building, Salem, Oregon 97310.

supporting information

with the trial de novo it would be necessary to make district courts courts of record, installing either court reporters or electronic recording devices and 'this would cost a lot of money.'

"He continued that during 1970 only five cases on appeal to circuit court in Lane County were tried to juries in lower courts and again to juries in the higher court. He said he could not guess however, how many civil cases were settled out of court at 50 cents on the dollar because a litigant could not stand the time or expense of another trial.

"He declined to agree the appeal can be used as a club against the man of modest means: 'I regard the threat of appeal as no more oppressive than the threat of a law suit,' he said. 'To get away from this we would have to shut off the right of appeal completely.'

"He said the business of 'protecting the record' in lower court cases in order to appeal on the law instead of the facts would slow down and burden district court procedure out of proportion to the gravity of the cases.

"He continued, 'In a de novo trial we can shoot straight to the facts without consideration of preserving the record.'

"Elevation of 31 district judges to circuit court status, Leavy continued, would mean raising the number of jurors from 6 to 12 and 'this means building 31 new court rooms.

It would also mean a great increase in jury fees and citizen participation as jurors."

"Multiplication of circuit judges in Oregon, Leavy believes, would lead to compartmentalization of the circuit structure in large districts—and what's the advantage in that?"

"Concluding, Leavy said district courts in Oregon are presently 'serving an enormous function simply because they do not have to adhere to a rigid procedural formula.' He believes this simplifies the truth-finding process in small and simple cases.

"The Eugene judge summarized that the law already provides citizens the right to file claims in circuit court if the amount is \$2,500 or more; and if defending a suit asking \$1,000 or more can have the case transferred from district to circuit court.

"Small claims of \$500 or below are argued by litigants themselves with lawyers barred from the proceedings. This settlement among laymen

themselves Leavy calls 'beautiful.'

"As to the immense burden of traffic cases in district court, Leavy said provision has already been made in statute for a transfer of petty vehicle violations to a 'violations bureau.'"

THE NEED FOR LOCAL PUBLIC DEFENDERS

In 1968 the Judicial Council recommended that the legislature provide for employment of one public defender for each judicial district who would be appointed by the Public Defender Committee from a recommended list submitted by the presiding circuit judge of that judicial district.

More recently, a circuit court in Oregon has held that a person accused of a misdemeanor is entitled to court-appointed counsel at governmental expense.

Because the number of misdemeanor complaints filed is so large, the Judicial Council was firmly

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New Areas Lure Young Lawyers

NEW YORK — As the commencement '71 period begins, it has suddenly struck me that not one of the brilliant young law graduates I know has gone into a large establishment law firm or joined his father in practicing



By
**SYLVIA
PORTER**
Financial
Analyst

in the traditional fields of corporate, criminal, liability, tax, family, international, other familiar forms of law.

Every one has turned a friendly but firm back on his father's practice or on other establishment lures and instead is probing the new areas of consumer law, environmental law, poverty law, etc. And while admittedly these youngsters are unusually bright, they are far from the exceptions.

They are, in fact, becoming typical of a significant segment of young law school graduates

leading U.S. law into a vast, explosively important expansion. Consumer or "public interest" law — under which consumers band together in class action suits to fight unscrupulous businessmen — is simply one illustration of the broadening.

Here are several other new areas:

ENVIRONMENTAL LAW: This is a field being offered at the graduate level by a number of major universities, for there is a growing tendency on the part of citizens' groups, state attorney generals' offices and the federal government to attack through legal channels major polluters and violators of environmental laws.

Environment-oriented lawyers are obviously in demand for this purpose as well as to draw up environmental protection legislation at all levels of government.

HEALTH ADVOCACY: In this specialty, lawyers work with community health centers and other health facilities to track down and prosecute violators of

health codes, unscrupulous landlords and others who through negligence undermine the people's health. Their targets are all who contribute to infant mortality and ill health generally in our ghettos, impoverished rural areas, Indian reservations, etc.

SPACE LAW: Of course, this area of the legal landscape is still minuscule. But it deals with a cluster of fascinating new issues, ranging from who "owns" and who has which "rights" to the outer reaches of space now being so extensively explored.

It also tackles such tantalizing questions as: who has which legal rights and who sues whom in the event of a celestial collision of satellites or of other exotic aerospace hardware.

OCEAN LAW: This is another sparsely populated legal specialty, but in view of the fact that the oceans cover more than 70 per cent of the earth, it's an important one and the lawyers who go into this specialty should be in mounting demand.

The field involves such questions as offshore territorial boundaries and which nations

have which rights to explore and exploit ocean resources ranging from fish to oil.

POVERTY LAW: Today, there are some 2,000 lawyers working in about 850 neighborhood law offices throughout the U.S., primarily in big city slums. Their cases include:

Prosecuting slum landlords who refuse to repair furnaces, staircases, fire escapes, etc., which violate health or building codes and which pose serious accident hazards to building occupants;

Representing sub-poverty families in cases in which welfare or Social Security benefits are arbitrarily cut off;

Defending innocent debtors against a wide range of illegal or unconscionable practices;

Handling separations and divorces for those too poor to legalize domestic estrangement;

Come to think of it, what I'm really waking up to is that many of our most brilliant, imaginative and compassionate young lawyers are working only for Americans who never before have had even two-bit help.

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information

convinced that a substantial problem existed, not only because of the volume of judicial business which must be undertaken by members of the bar, but also because in many of the smaller counties and municipalities there are not funds sufficient to pay even a nominal fee to such court-appointed counsel.

According to the council's report, "there is also the question which arises in many of the smaller communities where there are no lawyers: Does one city have the right to require an attorney residing outside that city or community to defend a person accused of violation of an ordinance of that city? There are some counties in which the only attorney residing therein is the district attorney. What happens then? Can that county require an attorney residing outside the county to come in and defend an accused? Does the county have funds which it can use to pay for such defense, and if it refuses to pay because the attorney is not a resident of that county can it be compelled to pay?"

These questions were presented to the people appearing at public hearings held throughout the state in 1968 and much evidence was given supporting the continuation of the court-appointed counsel system; many counties and quite a few cities testified that they had sufficient funds to pay fees to such court-appointed counsel and preferred that method. On the

other hand, representatives of many communities stated that although they were getting complete cooperation from their local bar and many members were serving gratuitously to assist the court, they felt in good conscience that it was an imposition to ask the attorneys to continue to assume this burden which is not necessarily a part of their responsibility as members of the bar.

The council's report stated: "Substantial evidence was received with respect to distinguishing between the quality of defense offered to the accused. Under the court-appointed counsel system in many instances counsel appointed by the court would have had very little, if any, experience in criminal law yet it would create an inequitable situation if the list from which the court made the appointments were restricted to attorneys specializing in criminal practice.

"In some of the smaller communities the bar is composed of but a few lawyers, in some instances one is the municipal judge of the community, another the district attorney, leaving only one or two in general practice. This imposes a terrific burden in such situations. On the other hand, if a public defender could be appointed, the accused would be afforded defense by a person thoroughly qualified in the practice of criminal law."

The Judicial Council studied the oral and written testimony submitted at the public hearings. It considered the increase in the volume of judicial business if all indigents (whether accused of a felony or misdemeanor) were provided counsel at public expense, the burden upon the local bar if it were to provide such counsel, the burden upon counties and the municipalities if they were required to reimburse counsel for such services, and the quality of the defense which would be afforded the accused. Based upon these considerations, the Judicial Council recommends the appointment of local public defenders throughout the state.

The council recommended one public defender for each judicial district with authority to appoint as many assistants as justified by the statistics on the ratio of crimes to population. In the more populous districts the local public defender would have a full-time job; in the more remote areas, a part-time job. The local public defender should:

"THE MACHINERY OF JUSTICE—THE WAY IN WHICH COURTS ARE ORGANIZED AND CASES PROCESSED THROUGH THEM—EXERTS A POWERFUL INFLUENCE ON THE QUALITY OF JUSTICE AND ON THE POPULAR ACCEPTANCE OF LEGAL INSTITUTIONS WITHOUT WHICH THERE IS NO HOPE FOR A FREE SOCIETY OR THE GOOD LIFE...IT SHOULD ALWAYS BE KEPT IN MIND THAT THE CITIZEN'S MOST FREQUENT EXPERIENCE IS WITH THE INFERIOR COURTS, AND THE QUALITY OF JUSTICE IN THESE COURTS IS THE MOST IMPORTANT OF ALL IN TERMS OF INSPIRING RESPECT FOR LAW AND LEGAL INSTITUTIONS."

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- (1) Be appointed by and responsible to the Public Defender Committee. He would be appointed from a list nominated by the presiding circuit judge in the area he will serve; that the appointment be for a four-year term renewable at the pleasure of the committee and could be removed for cause only.
- (2) Represent indigent defendants at all stages of the criminal proceedings, including retrial, except direct appeal to the Oregon Supreme Court. The state public defender would continue his representation on the Supreme Court level and in post-conviction proceedings.
- (3) Have the authority to appoint as many investigators as needed.
- (4) Be a state officer with funds appropriated by the legislature and the county or municipality involved.
- (5) Be appointed by the state Public Defender Committee to insulate him from all potential influences.

The report concludes: "It is very important and necessary that the courts have the latitude of appointing local counsel if the situation warrants it and that the courts not be limited to the exclusive use of the local public defender."

lines of inquiry

If education is the most important function of government, teachers and students might well explore how the organization and operation of schools and school districts might become an accepted area of student inquiry with an established place in the curriculum.

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While this section only attempts to highlight some of the major trends and problems in educational planning and operation, it could serve as a springboard to an extensive examination by students of the present capabilities, processes, and special needs of their schools and the entire educational system. See also pages 212-221, 360-389.

action ideas

Thought-Provoking Questions. What is the purpose of education? How good are the schools? Who should run the schools? What place for civil liberties in the schools? How can education be improved?

Students and teachers can explore the various answers to these and other questions in a timely student booklet titled, *Education and Opportunity*, by Gordon M. Seely. It is part of the Inquiry into Crucial American Problems Series published in 1970 by Prentice Hall, Englewood Cliffs, New Jersey 07632.

Resources

Public School Survey and Recommendations. Business Task Force on Education, Inc., 400 Failing Building, Portland, Oregon 97204. 1969. (Also available from Documents Clerk, Oregon Board of Education, Salem, Oregon 97310.) \$1.

Lupton, Keith, ed. *The Student In Society.* Littlefield Adams, 81 Adams Drive, Totowa, New Jersey. 1969. \$4.95.

"Citizenship: National Results," *National Assessment of Educational Progress, Report 2.* Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. November 1970. \$1.25.

Oregon Board of Education Biennial Reports, 1969, 1971. Documents Clerk, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.

Report from the Intergroup Human Relations Commission, 1970. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.

Write to the Retrieval-Dissemination Center, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310, to obtain copies of reports of four experimental projects developed under ESEA Title V (Project Public Information) to involve students in learning about their school government and the issues of education. Ask for:

Now I Know Why, an educator's guide for student involvement in learning about education.

Telesis, a mimeographed report on a demonstration project at Lake Oswego, Oregon.

Quote, a report on a Dade County, Florida, project to use school publications for reporting education news.

supporting information

education:

Education has always been considered a separate and unique element of government activity in this country. The United States Supreme Court, in 1934, recognized that:

Education is perhaps the most important function of state and local government. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of education.

However, in 1968, Oregon's Project 70's Task Force reported "much dissatisfaction among educators, legislators, executive officials, and the general public" with education and the way it is governed in Oregon.

EQUALIZING OPPORTUNITY AND BURDEN: MAJOR PROBLEMS OF THE DECADE

Equalizing Educational Opportunity. At one time, providing equal opportunity meant treating all students alike in terms of how and what they were expected to learn. Thus, standardized curriculum, textbooks, tests, and teaching techniques have become a way of life in most of the nation's public schools.

However, as we began to achieve universal education in this country, there was a

government's primary challenge

gradual recognition of the fact that there are probably as many ways to learn as there are learners; to limit opportunities for "formal" or organized learning to one context—traditional classroom teaching—is to limit the future for those who cannot profit from this type of instruction. More specifically, *The Christian Science Monitor* reported in June 1971, that "United States public schools have not worked well enough . . . Over the years, for reasons no one fully knows, there has been far more teaching than learning in the nation's public schools.

"Specifically, the average sixth grader from a poor family is two grade levels below the norm in educational achievement, according to a recent Office of Economic Opportunity survey. By the ninth grade, he is three years or more behind. The further he goes, the greater the gap.

"Among adults, some 18.5 million Americans have only marginal reading skills, while 30,000 who actually have high school diplomas in hand are said to be functional illiterates—reading at the fifth-grade level or less.*

"Increasingly, however, there are signs that those who support the \$44.4 billion network of public elementary and secondary schools in this nation will no longer take excuses in lieu of results. . . .

"Basic to the idea is the conviction that every child can learn. The old labels of slow, unmotivated, or retarded no longer qualify as excuses.

"Brunt of the responsibility for success or failure now rests clearly on the schools."

Many solutions are being urged upon state legislatures.

■ More and more school districts through the country are faced with militant parent and student groups seeking to equalize opportunities for all students by increasing the representation

of minority groups on decision-making boards and committees and in the classrooms. Oregon's Intergroup Human Relations Commission, appointed by the State Board of Education, completed a survey in 1971 (with 90 percent returns) which yielded the following statistics. The number of minority school personnel identified in 1970-71 for the first time includes counselors, home consultants, and teacher aides, as well as teachers and administrators.

OREGON EDUCATORS FROM MINORITY GROUPS

	1968-69	1969-70	1970-71
Spanish-surnamed	15	30	165
Black	137	137	176
American Indian	16	31	82
Oriental	97	95	157
Anglo	21,031	21,031	32,959
Russian	not reported	not reported	—

According to the commission, "If a minority child is to have equal educational opportunities, then the traditional slant of Anglo-oriented education must be changed. Educators must be able (if properly prepared) to teach students from diverse backgrounds. If we are to be truly responsive to each segment of the community, we must examine the premise that quality education rests on an educational principle of integrated experiences. At this point the greatest single barrier to progress in achieving equal educational opportunities is the continuing racial isolation of students in schools. No one can deny that this issue is one of the most sensitive and serious dilemmas confronting not only education but the nation's social well-being."



The United States Chamber of Commerce, among other groups, has argued that in order to bring about greater responsiveness to the needs of all students, states should abandon the idea of education as a public monopoly and develop a competitive, business-operated school system with profit as the incentive. Private industry has already entered the field of education through programs like the Job Corps and private voca-

*The Oregon Board of Education estimates that the number of people in Oregon who cannot read at all in English or in any other language is at least 16,000. In addition to the totally illiterate, there is an unknown number who are functionally illiterate—fifth grade ability or less.

lines of inquiry

Students should be encouraged to explore and develop their own attitudes about proposals for equalizing educational opportunity by pursuing such questions as these:

(1) Under what historical conditions, and for what reasons, did Americans adopt a commitment to common schools—that is, to schools in which students from all social and economic classes, from all religious persuasions, and from all ethnic and racial origins are deliberately mixed?

(2) Do the schools in fact create a community or a sense of shared concern and affection among students from widely differing social backgrounds? If not, under what conditions could they do so?

(3) Is it or is it not the case that to succeed in American life one must acquire "middle class" habits of language, manners, work, and values?

action ideas

Thought-Provoking Questions. What does equal opportunity in schooling mean? Equal knowledge? Equal relevance of the learning experiences provided? Equal cost?

What does the existence of different social and economic backgrounds mean in applying the principle of equal educational opportunity? What preconditions for success in school can be identified? Should these be considered part of equal opportunity?

Can school be fairly evaluated on their equal opportunity quotient solely in terms of the "things" (classrooms, books, teacher-student ratios, libraries, etc.) provided?

What about this statement?

"It is apparent that educators, psychologists, and parents are coming to realize that the quality of the human encounter within the school system is the important element to be improved. Computers and machines are not going to solve the ill of education."

Resources

Policy position papers of the Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.

Friedenberg, Edgar Z., *Coming of Age in America*. Random House, New York, N.Y. 1965.

Goodman, Paul, *Growing Up Absurd: Problems of Youth in the Organized System*. Random House, New York, N.Y. 1960.

Compulsory Mis-Education and the Community of Scholars. Random House, New York, N.Y. 1964.

Coleman, James S., *Equality of Educational Opportunity*. U.S. Government Printing Office, Washington, D.C., 1966.

Cremin, Lawrence A., *The Republic and the School: Horace Mann on the Education of Free Men*. Bureau of Publications, Teachers College, Columbia University, New York, N.Y. 1957.

Dewey, John, *The Child and the Curriculum and The School and Society*. Phoenix Books, The University of Chicago Press, Chicago, Illinois. 1956.

Maritain, Jacques, *Education at the Crossroads*. Yale University Press, New Haven, Connecticut. 1960.

supporting information

tional schools. Some school districts have contracted with private firms to operate specific programs, such as reading instruction, with profits tied to results, and one (Gary, Indiana) has contracted for the entire operation of its schools. School districts in Oregon which are making limited use of performance contracting include Portland, South Lane, Central Point, and Vale.

 Voucher systems have been proposed, which would provide each family with an annual amount of money for each child to be used at the school of their choice. The theory is that this would give parents and students complete control over the type of education they want to buy, but would not preclude the state's authority to set minimum standards and license practitioners.

 Another major movement is toward the concept of "accountability"—holding educators responsible for measurable objectives. For example, the New York City Board of Education has contracted with the Education Testing Service of Princeton, New Jersey, to devise an "accountability design" which will measure the effectiveness of teachers and supervisors, taking into account all the factors that influence student performance. New York City's teachers' union has agreed to the proposal in the belief that it will provide successful teachers with protection from unfair criticisms and will

indicate the kind of help poor teachers need to improve their performance.

Equalizing the Burden of School Support. One of the fundamental causes of the inequalities which exist in educational opportunities and tax burdens is the traditional concept that it is the right of each school district to determine how much it will spend on its schools. Despite the severe inequities it creates, this right has always been fiercely defended. Local determination of education expenditures makes no allowance for accidents of geography and location which give some areas considerably more wealth than others. For years state governments have struggled without success to devise formulas for the distribution of state aid which will correct these inequities (See *School Finance, 1973: Supplement No. 1 to Government in Oregon.*)

Within the last few years suits have been brought in six states: Illinois, Michigan, California, Oklahoma, Texas, and Virginia aimed at requiring states to siphon some tax revenues from wealthier areas into slum schools. Parents of seven Chicago school children challenged the constitutionality of Illinois' system of financing education primarily from real estate taxes. They contended that the money spent per child in the poorer Chicago districts was less than three-fourths the amount spent in districts with higher property values. This despite an attempt by the state to compensate poor school districts with money from the state treasury.

The U.S. Supreme Court ruled, however, that it would be almost impossible for courts to work out a formula to make all state schools roughly equal in quality, except by requiring that an equal amount of money be spent on each child. Therefore, the matter was referred back to state legislatures as a policymaking problem.

One of the position papers of the Oregon Board of Education, "System Seventies: A Statement on Improving Financing and Management of Oregon Schools and Community Colleges," describes the inequalities that have developed in Oregon's educational finance structure.

The truly significant considerations in education are what and how students learn. Unfortunately, these concerns are overshadowed today by the problems of finance and management of school districts and community colleges.

Today school finance is the number one educational problem and the number one financial problem confronting the state.

First, if the present method of financing schools is continued, some school districts may be forced to curtail programs severely or operate only a portion of the year.

It is becoming increasingly difficult for Oregon school districts to secure voter approval of operating levies. Figures for the 1970-71 school year show that of 334 school districts holding budget elections:

221 were approved on the first vote
71 districts voted twice
29 districts voted three times
10 districts voted four times
3 districts voted five times.

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Most Oregonians have been made aware of the problem through the news media, but few fully understand its nature or its severity. The entire financial framework of Oregon's educational system needs review and revision.

Second, dependence upon the property tax as the major source of support creates insurmountable barriers to equalizing the financial burden for education, the installation of more efficient management practices, and long-range planning. (See also page 158.)

In 1969-70 tax rates for the support of schools varied in districts throughout the state from a low of \$4.09 per \$1,000 of true cash value to a high of \$31.67. This means that some districts are making eight times the property tax effort to support their schools as are other districts.

In addition, to schools, property serves as a major revenue source for many other local and intermediate governmental units. As demands of all such taxing agencies upon property are becoming greater, there is a corresponding increase in voter resistance.

School districts and taxpayers would benefit if various sources of revenue other than property taxes were used to finance education. This would enable school officials to develop long-range plans and operate more efficiently. Needed stability for the management of schools would be provided by a more diverse revenue structure.

Third, part of Oregon's property tax problem stems from property assessment practices over

lines of inquiry

It is widely alleged that the tax burden for education, in both the state and the nation, is approaching a breaking point—that is, people believe we simply can't afford to invest more than we are now investing in schools. Is this belief legitimate?

90 (1) What kinds of people are in fact providing most of the support for schooling? Does our problem lie in an obsolete tax structure that distributes the economic burden inequitably?

(2) Should investment in school be considered an investment in consumer goods (i.e., things that are used up for the immediate satisfaction of students and their parents), or should it be considered a form of capital investment, which, like investment in a factory, results in the production of wealth beyond the sum originally invested?

(3) Does the monopolistic nature of public education discourage efficiency in education?

(4) What kinds of people tend to support greater investment in education? Why?

action ideas

Thought-Provoking Questions. Any consideration of equalizing educational burdens should be grounded in an understanding of the role of various levels of government. Students might clarify their own thinking by investigating such questions as the following:

To what extent should the federal and state governments interfere, either by restraint or by positive support, in the way schools of a particular community educate?

What is the situation with respect to geographical mobility of students after they leave school?

To what extent is the economic system a national one in which the production and consumption of goods overlap state tax boundaries?

What are the historical explanations of the gradual shift of responsibility to the state and federal level? How does one explain historically the passion for local and state autonomy? Do the conditions which warranted the expansion of federal action still exist?

Opinionnaire. Why do school budgets fail? Use the book *What Do You Think*, listed below to help students construct a valid instrument to survey the community on that question. Present findings to the school board and the local newspaper.

Resources:

Oregon Education: 1971 Biennial Report. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. (Available in district or intermediate education district offices.)

Schwartz, Alvin, and others. *What Do You Think.* E.P. Dutton and Company, Inc., 201 Park Avenue S., New York, N.Y. 10003. \$4.75. 1966. A readable explanation of how to construct polls and questionnaires.

Gardner, John W. *Self-Renewal: The Individual and the Innovative Society.* Harper and Row, New York, N.Y. 1964.

Keppel, Francis. *The Necessary Revolution in American Education.* Harper and Row, New York, N.Y. 1966.

Schultz, Theodore. *Economic Value of Education.* Columbia University Press, New York, N.Y. 1963.

Sexton, Patricia. *The American School: A Sociological Analysis.* Prentice Hall, Englewood Cliffs, New Jersey. 1967.

supporting information:

which school districts have no control. Oregon has one of the best property appraisal systems in the nation. It operates on a six-year cycle, however, in which one-sixth of the property is reappraised each year. The taxable wealth of a school district may remain relatively unchanged for a five-year period and be altered significantly during the sixth year. When this happens the effective wealth of the district relative to that of other districts is changed considerably.

Because a large amount of state money is distributed on the basis of each district's relative effective wealth, the receipts of individual districts from the state are distributed in a most unpredictable way. The Department of Revenue and the legislature are attempting to solve the problem by devising means by which reappraisal can be kept current.

And fourth, school district organization in Oregon is unnecessarily complex and expensive. At the present time, there are unified districts operating programs for grades 1-12; elementary districts—some operating a six-year program, some an eight-year program; union high districts—some operating four-year programs, some six-year programs; and four county unit districts. There are intermediate education districts—25 of which operate under one law and four which remain rural school districts operating under the provisions of

another law. Oregon school law is clustered with special statutes designed to accommodate each type of district organization. (See also page 387.)

As districts are organized today, the cost of education varies widely. In 1968-69 current expenditures per pupil ranged from \$441.71 to \$7,187.58. The state average was \$715.90. Further, during 1969-70, the true cash value per pupil ranged from \$8,711 in the poorest district (with 147 students) to \$1,248,444 in the wealthiest district (with two students).

The major importance of this problem in education was emphasized in the Business Task Force Report on management practices in March 1969. This study stated:

"Efforts directed at more efficient operations of Oregon's school system must start with the reorganization of the basic school structure of the state. This study was conducted with noninstructional practices and procedures as its prime concern. However, it has also revealed that the most important benefits to be gained from reorganization are in the area of improved educational opportunities."

OREGON'S EDUCATIONAL PRIORITIES FOR THE 1970's

The Oregon Board of Education is legally responsible for deciding where the state's resources of people, time, and money should be directed to accomplish maximum individual development of all students. Affected are more than a half million young people in the state's elementary and secondary schools and community colleges.

Recognizing this responsibility, in 1970 the board adopted major priority objectives* and began to develop and publish position papers in each of the priority areas. These papers indicate both the nature of the major problems facing Oregon education and the manner in which the board proposes to solve these problems. By the end of 1971, four position papers had been published (see suggested resources), and school districts were asked to develop similar statements, identifying the problems of their local systems and proposals for their solution.

In addition, and in compliance with congressional requirements that each state conduct needs assessments to qualify for funds under the Elementary and Secondary Education Act of 1965, the board conducted a survey to deter-

mine the most critical needs of Oregon students. Federal guidelines specified that the needs be identified in terms of the learner rather than in terms of institutional requirements such as classrooms, teachers, buses, etc.

The survey (which included 120 in-depth interviews with taxpayers, educators, students, and dropouts, and a questionnaire which sampled the opinions of 800 typical Oregon residents) identified 27 learner needs, listed below in priority order:

Students need:

- (1) To develop behaviors indicative of self-discipline and respect for authority.
- (2) To have available to them job-related vocational classes.
- (3) To understand and respect other people so they may become effective in human relations.
- (4) To learn how to communicate effectively with others.
- (5) To learn accepted health practices and physical effects related to the use of drugs and alcohol.
- (6) To be involved in learning experiences related to social and moral values.
- (7) To learn of the contributions made to society by all of the various occupational fields and that all fields do not require a four-year college education.
- (8) To experience the acceptance of responsibilities and to learn to make decisions.
- (9) To become intelligent and economically literate consumers.
- (10) To understand the problems and the realities of life.
- (11) To acquire early mastery of the fundamental skills such as reading and arithmetic.
- (12) To explore a wide variety of career opportunities and to learn about job opportunities from representatives of business and industry.
- (13) To have on-the-job opportunities.
- (14) To have close personal attention to their needs by teachers.
- (15) To understand the economics of government financing and taxation.
- (16) To learn the practical aspects of responsibilities of marriage and family living while in

lines of inquiry

As a social institution, the public school or the public college or university is at the center of some of the most compelling value conflicts in society. Such value conflicts are often kept out of the public eye; but if they simmer below the surface of community life, the conflicts may turn inward, crippling individuals, or outward, shattering social order. An alternative is to bring educational value conflicts to the surface for open, systematic analysis in the classroom.

action ideas

Studying Values. Invite and guide student investigation of some attitudinal-value systems. Allport, Vernon, and Lindzey's *Study of Values* provides a scale for measuring dominant value patterns and a discussion of many common patterns. Have students take the personality test included and review the results.

Introduce the class to the six categories of values encompassed by the Allport-Vernon-Lindzey classification—theoretical, economic, aesthetic, social, political, and religious. After this first step, a multitude of strategies becomes available. Students might:

- (1) Classify the statements in a magazine or newspaper editorial on our educational system.
- (2) Debate what values should predominate in a secondary school and what values do predominate in their school?
- (3) Conduct a poll asking: What do you think should be the main purpose of a secondary school? The answers could be classified into the six attitudinal-value categories.
- (4) Attend a school board meeting, take notes on what happens and what is said. Later the class could classify these observations into the six categories.
- (5) Rank the 27 learner needs listed on page 91 (which have been rearranged in random order), and compare with state priority ranking. Ask faculty members to do the same and compare rankings with state priority ranking. Classify learner needs listed according to the six attitudinal-value categories.

Resources:

The suggested line of inquiry and action ideas above are only a sample of materials developed by the Kaukauna (Wisconsin) High School "Value Conflicts Approach" to teaching about schools. Write to the Retrieval-Dissemination Center, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310, and ask them to obtain a copy of the report of this Project Public Information report for your use.

Allport, Vernon, Lindzey. *Study of Values*. Houghton Mifflin, Boston, Massachusetts, 1960.

The Frustrated Campus. Film. 47 minutes, black and white. Debate of issues confronting higher education. *\$11.25.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

supporting information

high school.

(17) To have experiences that realistically relate history to present world events.

(18) To have counseling available to them at all grade levels.

(19) To develop their health and physical fitness.

(20) To have freedom to select and attend classes that meet their interests and abilities.

(21) To experience involvement in school, government, and community affairs.

(22) To explore various career opportunities as early as junior high school.

(23) To have experiences in the cultural and fine arts.

(24) To be involved in learning experiences related to sex and the physiological development of the body.

(25) To learn in an environment that is less competitive and more cooperative.

(26) To be involved in learning experiences related to sex and the physiological development of the body while in the elementary school.

(27) To be involved in planning and policy development within areas affecting their freedom at school.

The Oregon Board of Education has stated its belief that management by objectives is the most direct route to first-rate, efficient operation that will produce quality education and that a planning-programming, budgeting, evaluating system is the key to management by objectives.

State Department of Education staff members are working with pilot districts (Corvallis, Cottage Grove, and Portland) to develop PPBES at the local level. It is estimated that four to five years are required to put such a system into full operation. (See also page 271.)

One of the most innovative parts of PPBES in Oregon is the development of independent audits of educational programs, especially federally funded programs. The educational program auditor, sometimes referred to as the EPA, will have a role similar to the certified public accountant (CPA) in the world of business.

Use of educational program auditors was initiated in Oregon in 1971 by two ESEA Title III projects: a television in-service program in reading by the Linn-Benton Intermediate Education District, and a Eugene School District program to identify potential reading failure at the first-grade level. The Northwest Regional Educational Laboratory and the Bureau of Educational Research of the University of Oregon contracted to do independent audits of the effectiveness of these projects.

In addition, plans are under way to implement third-party audits of all ESEA Title I and migrant education programs in Oregon.

HIGHER EDUCATION FACES MAJOR CHALLENGES

The decade opened on a gloomy note for higher education, according to the Chancellor's biennial report to the 1971 Legislative Assembly which states that disruptions on two of Oregon's campuses "profoundly shocked both the academic community and the public.

"The reaction was immediate. Thousands of persons protested to the board, criticizing administrative decisions and demanding a crack-down on radicals.

"Only sheer arrogance could lead us to dismiss the criticism and defend our administrative decisions as being wholly appropriate and fully responsive. We were faced with conditions that were unprecedented in higher education. If mistakes had not been made, it would have been miraculous. We have learned a bitter lesson from these disruptions, and have taken firm steps to

plug the loopholes in our policies that became evident during the disruptions. . . .

"The disturbances, though painful to us, were not unique to the State System of Higher Education nor triggered by conditions that existed on our campuses. They were part of a wave of protest sweeping our country that was directed at national policy and not academic affairs. But they have created at least three difficult problems for Oregon:

- (1) How do we deal as fairly and effectively as possible with student unrest?
- (2) How do we deal as fairly and effectively as possible with faculty members involved in campus disruptions?
- (3) How do we cope with the problem of a distorted image that the unrest tended to create?

"Big steps have been taken by the board to resolve the first two problems. But the third problem continues to haunt us, for higher education's image is crucial to its existence and success."

Planning for the 1970's. The second big challenge for higher education during the next decade is to keep abreast of new techniques, redefining and refining educational objectives, seeking a better balance of undergraduate education, graduate education, research, and public service activities. New emphasis will be given to the development of curricula dealing with the environmental sciences, urban growth, and service to minority groups.

The Chancellor's biennial report indicates that major concerns will include:

- (1) Assisting public schools to upgrade student counseling programs.
- (2) Involvement with state and local agencies in seeking solutions to transportation, agricultural, environmental, medical, urban and educational problems, and problems of the aging.
- (3) Involving students in campus government and community action projects.
- (4) Expanding and developing successful experimental programs for the disadvantaged.
- (5) Determining the appropriate ultimate size of each institution and the timetable for reaching it.
- (6) Extending the resources of Oregon's colleges and universities to serve the lifelong learning needs of Oregonians.

major concept 2

GOVERNMENTAL UNITS ARE SUPPORTED BY AN ORDERLY PROCEDURE OF SELF- TAXATION.

The term "self-taxation" expresses the concept that people agree to tax themselves to provide needed services. A tax primer published by the American Association of University Women in 1968 states the concept well:

"Being a citizen in a democracy implies membership in the government of that democracy and there are financial obligations that go with that membership. A citizen cannot withdraw his membership as he might from a country club that has raised its dues. Services of government are enjoyed by its citizens collectively."

Yet, for all the democratic procedures designed to ensure that people can know about and participate in the process of self-taxation, raising and allocating revenue remains one of the least understood aspects of government.

It follows that one of the most important objectives of public education must be to give each new generation a working knowledge of at least the basic principles and philosophies of economics and taxation, confidence in its ability to make intelligent decisions, and an ability to recognize and evaluate the sources and reliability of information about revenue programs and proposals.

Today, an informed citizenry is especially critical because:

- (1) The constitution has provisions which allow popular referendum on any revenue measure before it becomes law and in Oregon's history, few legislative tax proposals have escaped a referendum.
- (2) When a majority of people begin to feel incapable of comprehending and shaping the economics and politics of revenue collection and allocation, it is logical to assume that the potential of special lobbies to influence legislative decisions will increase.
- (3) Finding acceptable new priorities for the collection and allocation of revenue is essential to the development of effective programs for protecting human and environmental resources in the decades ahead. However, in recent years every proposal to make significant changes in Oregon's imperfect tax structure has been defeated at the polls.

lines of inquiry

Decisions concerning the allocation of public revenue actually determine the parameters of all subsequent decisions that are made regarding the extent and quality of governmental services. Therefore, it is vital for all citizens to have a working knowledge of the consequences and alternatives of public revenue distribution.

This knowledge is especially important in Oregon because of the unusual degree of involvement required of the Oregon voter in making state and local revenue decisions. In fact, Oregon citizens are legislators as far as financial affairs are concerned.

action ideas

Investigating the Voters' Power. Every major tax proposal enacted by the Oregon Legislative Assembly in the past 50 years has subsequently been voted upon by the people. Most of the time these proposals have been rejected. To understand the implications of this, students might examine the history of the initiative and referendum and the constitutional and statutory provisions that have produced the citizen legislator in Oregon. See also pages 261-263, 268-281.

Understanding the Issues in Decision Making. Use problems such as the following to get students to recognize the basic issues at stake in voting on proposals concerning government services and authority:

(1) You are establishing a new country. Half of the citizens want to make transportation and health responsibilities of government and the other half do not. You will cast the deciding vote. How would you vote? Why?

(2) Two groups are going to the moon. They will live in separate areas. One group will have no laws or rules; its members wish to have "true freedom." The other group has decided that its survival depends upon strict and absolute control by one leader. Each group has an opening for one more person, and you wish to go. Make your choice and be prepared to defend it in a general classroom debate.

Resources

The Federalist. (Essays by Hamilton, Madison, Jay) edited by Max Beloff. The Macmillan Company, 866 Third Avenue, New York, N.Y. 10022. (There are many other editions of this great work.)

Cohen, Schwartz, Sobul. *The Bill of Rights: A Source Book.* Benziger Brothers, New York, N.Y. 1968.

Phelps, Edmund S. *Private Wants and Public Needs.* W.W. Norton & Company, Inc., New York, N.Y. 1965.

Musgrave, Richard A. *Theory of Public Finance.* McGraw Hill Book Company, Inc., New York, N.Y. 1959.

Heilbroner, Robert. *Worldly Philosophers.* Simon and Schuster, 630 Fifth Avenue, New York, N.Y. Clarion paperback, 1967. \$1.95.

Becker, Carl L. *Freedom and Responsibility in the American Way of Life.* Random House, Inc., 201 East 50th Street, New York, N.Y. 10022. 1945. \$1.25 (Paperback)

supporting information

defining

When legislatures, city councils, county commissioners, or school boards meet, one of their most important functions is to provide an arena for the resolution of group conflicts and the expression of public grievances. Because it is in these areas that solutions (good or bad) to society's problems are forged, it is important for teachers and students to understand the three basic issues that pervade virtually every problem at every level of government. These issues relate to our basic philosophy of government, expressed most recently by United States Chief Justice Warren E. Burger when he wrote, "Governments exist chiefly to foster the rights and interests of their citizens—to protect their homes and property, their persons, and their lives."

To fulfill this obligation, citizens and their policymaking bodies at every level of government must judge each problem and proposal for government action in terms of:

- (1) Individual or minority rights vs. society's welfare as defined by the majority
- (2) Private vs. public services—whether the wants and needs of people should be satisfied by the private or public sector
- (3) Centralization vs.

the issues at stake

decentralization—whether programs should be administered and taxes collected at the local, regional, state, or federal level.

A brief exploration of some of the basic arguments that surround these issues and complicate governmental decision making can perhaps increase understanding of their importance.

MINORITY VS. MAJORITY RIGHTS

Our constitutions and courts provide a comforting bulwark against unusual invasion of individual rights and freedoms by governments at all levels. However, recent studies seem to indicate that public attachment to fundamental rights may exist on a rather superficial level and many groups over the years have even challenged the right of a chief justice to remain in office because of court espousal of individual or minority rights. It is often evident that the character of public debate on issues raised by the Bill of Rights has been marked by an almost total lack of communication between those with opposing views.* This poses a challenge for teachers: to increase the awareness, sensitivity, and interest of all students concerning the basic rights promulgated in our Constitution so that future voters and policymakers will be able to recognize the disparities between general support of American ideals of "freedom and justice for all" and the way these ideals are implemented in practice.

The most obvious place to look for disparity between ideals and practice is in the marketplace, where the government provides services and collects revenues. The questions to be asked are: Who benefits from government expenditures for services? Who pays for government expenditures? How is the tax burden distributed? How does the government mediate the various and unequal distribution of property in our free enterprise system?

*Cohen, Schwartz, Sobul, *The Bill of Rights: A Source Book*. Benziger Brothers, New York, N.Y., 1968. (Written under the auspices of the California State Board of Education.)

In essay No. 10 of *The Federalist*, James Madison wrote:

Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

PRIVATE VS. PUBLIC SERVICES

Also closely related to the problem of individual vs. majority interests is the question of whether services should be provided by the private or public sectors of our economy.

In the private sector the consumer has freedom of choice. He can choose whether he wishes to purchase or not purchase goods or services. However, most governmental services involve an element of compulsion. Once the government supplies such services, all individuals are compelled to share cost through taxation.

"From the economic viewpoint, there is, on one side, the contention that many government expenditures are unnecessary or too large and therefore wasteful of the nation's still-scarce resources; this is countered, on the opposite side, by the argument that while the country is lavishly supplied with private consumer goods, it has skimmed irrationally on the kinds of services which can only (or can best) be supplied by government.

"From the political viewpoint, opposing sides in

lines of inquiry

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action ideas

Questions for Discussion. To help students understand the issue of private vs. public services, give them questions like the following:

- (1) Should schools continue to be tax-supported public institutions, or would it be a good idea to have private schools and give the tax money to parents who can then choose which school they want their children to attend?
- (2) Should health institutions (clinics, hospitals, sanatoriums) continue to be largely in the private sector, or would it be a good idea to use tax money to run them as free public facilities, like the schools?

Problems To Solve. Obtain a map of your county showing the zoning restrictions in effect. Have members of the class play these roles in deciding how to rezone a particular section:

- (1) A housewife who has five children who live and attend school in the area.
- (2) A real estate man
- (3) A manufacturer who sees the area as a possible good location for a branch plant.
- (4) A local service station owner
- (5) City council members

Resources

States' Rights vs. Federal Power: Which is in the People's Best Interest? Great Issues Series, Scholastic Social Studies Center, 904 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. 75 cents. (Paperback.)

Recent Publications on Governmental Problems. Bibliography of current articles that pertain to a variety of subjects dealing with state and local government law, taxes, etc. Published twice a month by Joint Reference Library, 1313 E. 60th Street, Chicago, Illinois 60637. \$10 per year.

Blough, Roy. "Conflict and Harmony in Taxation." *Viewpoints on Public Finance*. Edited by Harold Groves Holt, Rinehart, and Winston, Inc., 383 Madison Avenue, New York, N.Y. 1947.

Galbraith, John K. *The Affluent Society*. Houghton Mifflin Company, 2 Park Street, Boston, Massachusetts. 1969. \$6.95.

A Fiscal Program for Balanced Federalism. Committee for Economic Development, 477 Madison Avenue, New York, N.Y. 1967. \$1.

supporting information

the debate are taken by those who maintain that the public sector has usurped functions and responsibilities which were better left to the individual business firm, the family, and other valued private institutions, and those who argue that the present range of choices before us is too narrow to pose any grand ideological issues."^{*}

There is still another dimension to the problem, according to Richard Lindholm, Chairman of the 1970 Governor's Fiscal Study Task Force:

"Much has been said in Oregon about increasing employment through stimulation of the national level of housing production. Much less battle has been said about increasing employment through the financing of the provision of more community services, from kindergarten classes to housing to bicycle paths.

"It is sometimes said that higher taxes will cause private services to decrease as government-provided services increase. On the other hand, it could be argued that additional government purchases: (1) decrease expenditures outside the community which create employment for other areas, (2) improve levels of government services to attract prospective employers, (3) increase the community's tax base through expanded payrolls arising from government services.

"In fact, there should be greater freedom for services to move from the public to the private economy and from the

^{*}Phelps, Edmund S. *Private Wants and Public Needs*. W.W. Norton & Company, Inc., New York, N.Y., 1965.

private to the public economy. Today, we see passenger railroad service moving into the public economy and technical education into the private economy.

"We all enjoy a better standard of living when financing priorities are set without regard to whether services will be performed in the private or public sector."

Today, there is also a trend toward the sharing of functions. For example, until a few years ago, health care programs were largely provided by the private sector. More recently, with medicare, the government is assisting with the job. All signs point to the government becoming even more important in certain areas.

Some goods and services are moving into the public sector, regardless of philosophical arguments for or against the growth of government. The following examples can help to illustrate this point:

(1) As crowding increases, the dangers to health and safety increase. Infectious or contagious diseases are more widespread, crime rates go up, and the need for health and police and correctional services increases.

(2) Extensive housing developments create the need to build and maintain highways, streets, and sidewalks, which, in turn, generates a need for related services, including traffic control, street lighting, park projects, etc.

(3) In rural areas, each home has a private septic tank. In more populous areas, sewage systems must be built and maintained.

(4) Farmers and residents of small rural communities can bury their own garbage and refuse. However, as populations increase, there is little choice but to develop public systems for garbage collection and disposal.

(5) Technological changes and urbanization have created economic and social displacements beyond the control of individuals and as a result, communities have been compelled to assume increased responsibility for the aged and infirm, emotionally disturbed, mentally retarded, juvenile delinquents, and the poor.

(6) Increased use of mass production techniques, the growth of corporate enterprise and absentee ownership of merchandise outlets have all con-

tributed to the growing need for consumer protection services.

(7) As more and more jobs require higher levels of education and training, the demand for government-subsidized community colleges and four-year institutions increases.

CENTRALIZATION VS. DECENTRALIZATION

Local control as opposed to greater centralization of power and responsibilities at state and federal levels is another, often emotional, issue which colors efforts to find solutions to contemporary problems. The following paragraphs from the 1970 report of the National Advisory Commission on Intergovernmental Relations summarize the changes in public sentiment that have occurred over the last decade.

"The 1960's began with a continuing disenchantment with 'layer cake' federalism and the laggard response of state government to escalating urban needs. Under the 'layer cake' theory, certain functions are performed by the national government, while others are left entirely to states and localities. By contrast, under the 'marble cake' concept, responsibility for dealing with functions of domestic government is shared among national, state, and local levels, with many—indeed, most—functions participated in by all three levels.

"At midpoint in the decade... [there was] a widespread belief that only national action was sufficient or appropriate to meet the challenges of poverty, civil rights, and urban decay. However, the 60's are ending with a strong flow of power back to states and localities, growing disillusionment with 'marble cake' federalism, and... increased reliance... upon state and local governments to make the multitude of public decisions required in the pursuit of domestic goals.

"Throughout the decade doubts have been widely expressed as to the adequacy of traditional governmental organization, structure, and processes in coping with the tremendous problems of urbanization, technological explosion, and increasing social and racial tensions."



lines of inquiry

Most people do not object to paying taxes which support government services they need or want. The problems that arise in connection with revenue allocation are the result of conflicting views about services or subsidies that appear to benefit relatively small numbers of people at the expense of the majority (e.g., welfare, farm subsidies). Thus, when people fully understand the implications of decisions regarding taxation and government spending, such decisions tend to become emotion-charged issues because they are concerned with justice, values, and vision.

Therefore, students need to understand that to get an accurate picture of the dominant values of any modern society, it is necessary to look behind the political rhetoric and study the manner in which funds have been allocated.

In practical application, this means that in order to make an accurate assessment of the politician who represents us on the city council, the board of county commissioners, the legislature, or in Congress, it is necessary to examine his voting record on questions of taxation and allocation of government funds.

action ideas

Using the three issues described in this section, students may be interested in constructing a continuum such as the one that follows, for assessing the political positions of local, state, and federal representatives.



Criteria will have to be worked out by the group and sources for research determined. For instance, what position on the issue of public housing would place a congressman in the middle of the continuum, to the left, or to the right? (For examples of how to establish criteria for placement on a continuum, consult back issues of *New Republic* or *National Review* which have published national ratings, or *The Oregon Times*, on the state level.)

Obtaining voting records is difficult on the state and local levels (on the national level they are published in the *Congressional Review*). Aside from the research done by the three magazines listed above, students may find that they will have to do their own research by examining official minutes of city council or county commissioners' meetings, or by asking the Legislative Administration Committee for copies of the *Final Legislative Calendars* of the Oregon House and Senate.

Resources

Final Legislative Calendars. Oregon Legislative Assembly (House and Senate). Legislative Administration Committee, State Capitol, Salem, Oregon 97310.

"Rating Oregon Legislators," *Oregon Times*. June 14, 1971. Oregon Times Publishers, 1234 NW 25th Avenue, Portland, Oregon 97210. \$10 yearly.

supporting information

resource

During the Governor's opening address to the 1971 Legislative Assembly he said: "We embark today on as demanding a mission of statecraft as these chambers have encompassed . . . in a period of near crisis in the fiscal life of our state. . . ."

"You really haven't experienced the exquisite agony of governing until, in one year's time, you have had thrown at you an economic recession, a whopping welfare deficit, a virtually unbalanceable budget for the new biennium, and a Supreme Court decision costing more than \$15 million. . . ."

"The General Fund budget, balanced for the next biennium at almost \$819 million, is geared to keep up with inflation—and that's about all. Budget requests were cut a record \$375 million. Tragically, no deleted request was frivolous, since all were based on 'Goals for a Livable Oregon' as painstakingly documented by state agencies and local officials during the past 18 months.

"It is a 'hold-the-line' budget, with little program improvement; but it is fiscally sound, and within this structure we sought to keep pace with the needs of our urbanizing Oregon society."

allocation: a matter of priorities

EXPENDITURES REVEAL CURRENT PRIORITIES*

Expenditures of State Government. The state government budgets expenditures for two years at a time; local and school district governments for one year at a time. Table 1 below indicates in a general way what priorities were assigned to programs at the state level in the 1969-71 biennium, and how that demand changed in the Governor's estimates for the 1971-73 biennium.

Transportation-oriented programs (e.g., highway construction, motor vehicle licensing and control, marine and aeronautics planning and regulation)

Economic development and consumer services (e.g., employment, public employee retirement, workmen's compensation, and the regulation of public utilities, banking, and corporations)

Some natural resource functions (e.g.,

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Table 1

STATE GOVERNMENT EXPENDITURES—ALL FUNDS					
(millions)					
PRIORITY LEVEL	1969-71	PRIORITY LEVEL	1971-73 Governor's Recommendation	PRIORITY LEVEL	PERCENT INCREASE
1. Education	\$704	1. Education	\$750	1. Natural Resources	200
2. Econ. Dev. & Consumer Serv.	545	2. Human Resources	638	2. Public Safety	87
3. Human Resources	502	3. Econ. Dev. & Consumer Serv.	628	3. Legislative	71 *
4. Transportation	350	4. Transportation	419	4. Property Tax Relief	28
5. Natural Resources	48	5. Natural Resources	143	5. Human Resources	27
6. Property Tax Relief	43	6. Property Tax Relief	58	6. Administration & Support Services	21
7. Administration & Support Services	38	7. Public Safety	56	7. Transportation	20
8. Public Safety	30	8. Administration & Support Services	46	8. Econ. Dev. & Consumer Serv.	15
9. Judicial	7	9. Legislative	10 *	9. Judicial	12
10. Legislative	6	10. Judicial	8	10. Education	7
		11. State Employees Salary Adjustments	62		
		12. Bldg. Safety Impr.	2		

*Includes funds available to the Emergency Board for interim allocation to state agency programs.

The comparisons in Table 1 are somewhat misleading, however, in that they describe historical as well as current priorities. Many of the amounts shown include expenditures of earmarked funds (called "Other Funds" or "Non-General Fund Revenues") which are not appropriated at the discretion of the legislature. The services substantially supported by Non-General Fund revenues include:

forestry, game)

It is "General Fund" revenues which may be appropriated for any public purposes at the discretion of the legislature and competition for General Fund resources is keen because each significant budgetary decision regarding the priority of a particular program requires collateral adjustment of some other program.

Programs for which the General Fund is a major

*Except where otherwise noted, discussion of Oregon's fiscal system is excerpted from or based upon reports of the Governor's Fiscal Study Task Force, the University of Oregon's Bureau of Governmental Research, the Project 70's Task Force, the Oregon Department of Revenue, and the *Blue Book*.

lines of inquiry

Estimates of future costs of government services may not take into consideration the need to alter the way such services are delivered, or the possibility that the service might need to be reoriented or even eliminated entirely.

As future voters, students need to clarify their own attitudes about where priorities for government action should be placed, and whether current priorities, as indicated by actual expenditures, are wise. Such explorations could begin with local community budgets, but should be expanded to include state and federal activities.

Students may wish to explore the following questions with respect to each of the major categories of expenditures discussed in the supporting information.

Should the proposed services be provided by government, or should they be left to the private sector?

Can the proposed services be provided in a more efficient and economical way?

Are the services in this category appropriate for what is known about the problems that need to be solved?

Are the current problems likely to remain the same in the future?

Is flexibility built into current plans so that services can be phased out or changed as needs change?

action ideas

To motivate students to see the importance of projecting future costs of government services as accurately as possible, have them speculate as to which of the following categories will need to be increased most (or which decreased). It may be useful to go one step further. Have students rank each category of activity in order of their own projected spending priority. Then summarize the projections given in the supporting information for comparison. Categories include:

- Planning and urban renewal
- Environmental control
- Highways and mass transit
- Human resources (welfare)
- Education
- Public safety

Resources

State and Local Finances: Significant Features, 1967 to 1970. An Information Report. Advisory Commission on Intergovernmental Relations, Washington, D.C. 20575. 1969. \$2.25.

Sewell, John. *Financing State and Local Government in Oregon: A Bibliography.* Oregon Council on Economic Education, Bureau of Governmental Research, University of Oregon, Eugene, Oregon. 1970.

Leinwand, Gerald and Popkin, Gerald. *Air and Water Pollution. Problems of American Society Series.* Washington Square Press, New York, N.Y. 1969. 75 cents.

West and the Wind Blowing. Film: 30 minutes, black and white. What has been done with the land and will we continue to fulfill its promise? *\$6.75. Order No. CS-1678.

Multiply and Subdue the Earth. Film: 68 minutes, black and white. Documentary on pollution. *\$18.50.

Taxes, Services, and You. League of Women Voters of Oregon, 1441 SE 122 Avenue, Portland, Oregon 97233. 1970.

Teaching Taxes. U.S. Treasury Department Internal Revenue Service. Published annually. School administrations receive notice of publication.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

supporting information

source of financial support include:

Education (e.g., higher education, community colleges, basic school support)

Human Resources (e.g., public welfare, corrections, public health, mental health)

Legislative and judicial functions

Administrative and support services (general governmental administration)

Expenditures of Local Governments. Cities, counties, special districts, and school districts expended two-thirds, or 65 percent, of their combined incomes on education and highways in 1969. The next largest expenditure was for general government expenses—17 percent. Health and hospitals, police protection, sewage and sanitation, parks and recreation, fire protection, and welfare, each accounted for slightly under or over three percent of total expenditures. (See Table 2, page 110.)

PROJECTING FUTURE NEEDS AND COSTS

Effects of Inflation and Population Growth. Spending by state and local governments in Oregon has been growing rapidly, as have government expenditures throughout the nation. General expenditures in Oregon totaled \$700 million in 1959 and by 1969 had reached \$1,271 million.

It is apparent that while services have expanded somewhat during these years, the changing spending levels have been

caused for the most part by circumstances clearly beyond the control of state and local government. Of particular importance has been the impact of inflationary price trends and population growth on the cost of services generally. It has been estimated that these two factors have been responsible for a 73 percent increase in per capita costs for services in the last decade.

Prices for government purchases of goods and services were 50 percent higher.

The value of state and local public construction in the United States increased 101 percent.

In a five-year period (1958-1963) state and local governmental employment in Oregon increased by 45 percent while at the same time payrolls increased 140 percent.

History has demonstrated that over a period of time the services offered by government change in character or importance—either because people demand or fail to demand specific services directly, or because their activities lead to conditions and problems for which there is some logic or precedent for government to become involved through the establishment of new programs.

In 1971 the Governor proposed that Oregon operate 77 programs, major areas of improved assistance, to include:

- A state housing authority with a \$200 bonding capacity to assist in financing low-income housing.

- Aid to private colleges

- Mental health programs

- Community juvenile institutions

- Grants for public safety and sewer facilities

- Pollution control enforcement

- The legislature

Six broad areas of need will compete for funds in the next decade. They are summarized below.

Planning and Renewal Needs. Added burdens are placed on public officials and additional staff is required to cope with the growing complexity of urban areas and with programs to provide adequate solutions to urban problems. A number of federal grant programs require local investment in planning, and in some Oregon areas, councils of government have been established in an effort to better coordinate urban

development. (See page 10.)

Low-density suburban development, commercial strips, and leap-frogging residential patterns, which make up the typical developmental patterns of urban areas in Oregon during recent years, all add to the cost of the public sector without increasing the quality of services. Further, the growth of many outlying suburban areas has been haphazard and poorly planned. As a result some are already showing signs of early deterioration which will lead to the need for added public investment and new procedures to correct past mistakes as well as prevent future mistakes. In many of these outlying areas there is a lack of uniformity in the street systems, there are no sewer systems or provisions for school or park sites; public safety standards are below those of the central city, and the existing land use does not conform to acceptable standards. As these areas become incorporated into the cities, major expenditures are required to bring them up to accepted standards. How these costs should be distributed remains a major fiscal hurdle.

In addition, there is a great deal of urban obsolescence caused by age, urban growth, and technological developments. The city hall or library built to serve a population of 10,000 cannot efficiently serve a population of 50,000. Oregon airports built during World War II can no longer effectively serve current air traffic.

Environmental Control and Natural Resources. The Environmental Quality Commission has estimated that from \$75 to \$90 million should be spent in the next five years for cities to satisfy the new regulations affecting water pollution established by the Oregon Legislature in 1967. The Environmental Quality Commission has set absolute limits on the amount of pollutants that cities can discharge into Oregon rivers and streams. Consequently, as sewage volume increases with population and industrial growth, Oregon cities must plan for additional higher quality treatment of sewage in order to comply with the state's water quality standards.

The air pollution control program is resulting in some growing demand for policing operations at the local level and for technical work in that field.

The Governor asked the 1971 Legislature for 30 measures to "improve protection and

lines of inquiry

action ideas

Problems To Solve. Students may become more sensitive to problems of resource allocation by working out solutions to these more personal problems involving priorities:

(1) You are head of a family. Your income will allow one child a college education, or you could buy and enjoy a new home. How would you make the choice?

(2) Resource allocation usually requires planning for the foreseeable future. Suppose you made no plans for your personal expenditures, but merely spend as long as the money holds out. Describe the likely results. Would it be better to set priorities? Why?

(3) It is school budget time and you have figured out the proposed increases for the local school district would increase your taxes by an amount equal to the price of a set of water skis which you have been saving for. How would you decide if (a) you were single, (b) if you were married but had no children, (c) if you had a child approaching school age?

Resources

Fishman, Leo. *Poverty Amid Affluence*. Yale University Press, New Haven, Connecticut, 1966.

Harrington, Michael. *The Other America, Poverty in the United States*. Penguin Special, The Macmillan Company, 866 Third Avenue, New York, N.Y. 10022.

Lindholm, Richard W. *Citizen's Handbook: 86 Questions and Answers About Oregon's Local and State Taxes and Services*. College of Business Administration, University of Oregon, Eugene, Oregon.

Selected Statistics on Oregon's Revenue: Expenditures and Economy. Department of Revenue, State Office Building, Salem, Oregon 97310.

Why Budget? Film: 12 minutes, black and white, grades 9-12. Illustrates the principles of forming a budget. McGraw-Hill Films. 530 W. 42 Street, New York, N.Y. 10036. \$3.75.

A View of America from the 24th Century. Film: 22 minutes, black and white. Conceived and written by John Gardner, Chairman, Common Cause; former Chairman, National Urban Coalition; former Secretary of Health, Education, and Welfare. *\$7.50.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

supporting information

management of natural resources," including:

- (1) More effective controls over air pollution through requiring vehicle tune-up and inspection, regulating traffic in population centers, requiring discharge permits for air contaminants, and removing statutory exemptions on burning.
- (2) Implementation of the bonding authority to combat pollution by: removing the \$50 million restriction; making funds available for other pollution control needs, particularly solid waste; providing for a capital construction loan fund to local governments and to metropolitan service districts for incinerators, tank farms to recycle our oils and chemicals, and shredders and compactors for garbage conversion and recycling plants.
- (3) Expansion of state bonding authority to fund all water development.

Statewide interest and emphasis on conserving natural resources has occurred as the result of conflicts between the expansion of population and industry in or near recreational areas. The Oregon beach bills and the Willamette Greenway project are manifestations of efforts to resolve these conflicts and they require considerable government expenditure.

Highway and Mass Transit Needs. The automobile deserves special mention in any discussion regarding factors affecting governmental expenditures. It is estimated that improvement needs during the next 20 years in Oregon will

total about \$4.4 billion, excluding administration and maintenance costs and the costs for expansion of residential streets. This amounts to \$217 million a year and compares with \$128 million spent for this purpose in 1966.

State and local government spending for transportation, mainly highways, has been exceeded only by education since World War II. Total transportation expenditures have increased over 100 percent in the last decade. Growing numbers and greater use of motor vehicles and increasing construction and maintenance costs of highways have created the major expansions in transportation outlays. The number of registered autos, trucks, and buses grew by 47 percent in ten years in Oregon; and the miles traveled per vehicle have also continued to increase. The overall costs of state and local highways in Oregon increased 55 percent in ten years, even though a peak in state expenditures was reached in the mid-1960's as a result of the Interstate Highway building program.

The Council of State Governments has estimated Oregon expenditures in 1970 at \$203 to \$222 million. But the growth of these expenditures is not the only cost state and local government must face due to increased motor vehicle use.

The state's 1.5 million or more vehicles also create costs for landscaping, drainage, lighting, traffic control, parking facilities, police, court operations, safety programs, ambulance services, hospital operations, and so forth.

According to the Governor's Project 70's Task Force, "There is a clear need for planning, construction and operation of new forms of mass transportation which will require new revenue sources, probably mostly federal.

"But in weighing the matter of finding funds for new mass transportation systems, Oregonians should consider the real costs of not developing them.

"Already, the state has an estimate of the ten-year dollar costs of meeting its projected highway traffic needs. Oregonians must also consider the result of this high expenditure:

- (1) Even more crowded roads, carved-up landscapes, and parking structure cities
- (2) The spiralling costs of highway safety programs, auto liability and collision insurance, and of land for more ramps, lanes and cloverleafs
- (3) Projections of human casualties on the

highways

(4) Losses to the community property tax rolls of the vast acreages that will have to be put under tar and concrete.

"Truckers, farmers, traveling salesmen, and others who need to have use of high-speed highways also need to recognize the approach of a time when they will be stalled in long, frustrating lines of traffic with hoped for 60-70 mile-an-hour speeds squeezed down to 40 miles per hour or less.

"Then Oregonians may realize that planning and development of new and different systems of mass transportation may be less costly in the long run, far more conservative of the basic environmental quality of Oregon, and most constructive in terms of the future."

Public Welfare. Little reliance can be placed on any public welfare projections computed by any means. State and local public welfare expenditures are dependent upon many highly volatile, somewhat immeasurable factors such as population growth, family income, use of institutions, federal programs, employment trends, and general economic conditions. Therefore, any projection, including the following, must be under continuous examination if it is to be useful in setting policy.

Based on higher rates of increase in numbers of recipients and payments per recipient, welfare expenditures are projected to increase annually at the rate of eight percent from 1968-69 through 1980-81. In the past decade the average annual increase was 6.8 percent. These figures are probably quite conservative because they are based on observed trends from the 1960's. However, every expansion has a period of rapid growth and then stability. This may be the future in the area of public welfare.

Expenditures for public welfare—cash assistance payments paid to needy persons under categorical programs, vendor payments for medical care, and care for children—amounted to 10.8 percent of all state and local expenditures in 1968-69.

It should be noted that public welfare expenditures, when measured as a proportion of total general expenditure in Oregon, have not increased since 1959.

Increases in expenditures for welfare have accompanied generally rising income levels and a greater awareness of the problems of persons

lines of inquiry

action ideas

Problem Solving. Give students problems similar to the following:

You have been appointed to the local school district budget committee. The basic issue to be decided is between increasing teachers' salaries by 10 percent or reducing class sizes. Both priorities are important but the district cannot expect to win voter support for a tax levy large enough to support both. How would you vote? Why?

Resources

Ehlers, Henry, and Lee, Gordon. *Crucial Issues in Education*. Holt, Rinehart & Winston, New York, N.Y. 1965.

The Challenge of Crime in a Free Society. Report of the President's Commission on Law Enforcement and Administration of Justice. U.S. Government Printing Office, Washington, D.C. 1967. \$2.25.

Lindholm, Richard W. *Description and Analysis of Oregon's Fiscal System: Area 18-Higher Education*. Graduate School of Management and Business, University of Oregon, Eugene, Oregon. 1970.

Leinwand, Gerald, and Collins, Elsie. *Poverty and the Poor*. Problems of American Society Series. Washington Square Press, New York, N.Y. 1969. 75 cents.

Battle of Newburgh. Film: 54 minutes, black and white, high school and adult level. Problems of welfare programs and interviews with people involved in Newburgh, N.Y. **\$9. (Also available from McGraw-Hill Films, 530 W. 42 Street, New York, N.Y. 10036.)

The Welfare Revolt. Film: 60 minutes, black and white. Complaints of welfare recipients and their attempts to change the system by organizing local unions. *\$13. Order No. CS-1829.

The Hard Way. Film: 60 minutes, black and white. Today's poor are different from the poor of past generations. *\$12. Order No. CS-1617. Also **\$9.

Leinwand, Gerald. *The Traffic Jam*. Problems of American Society Series. Washington Square Press, New York, N.Y. 1969. 75 cents.

The Traffic Snarl. Film: 60 minutes, black and white. Presents examples of automobile congestion and anticipated means for coping with it. **\$12. Order No. CS-1803.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

who have not shared in the improvement of living conditions.

While public expenditures for the elderly population are not confined to the social welfare sector, the growing proportion of the population in the elderly age group does have an impact on this sector as well as on public housing, hospital facilities, mass transit costs, recreation facilities, community centers, libraries and so forth. The proportion of persons 65 and over in Oregon is appreciably above that of the United States (10.5 percent as opposed to 9.4 percent in 1965), and projections indicate continued growth.

Despite increasing numbers of elderly persons, the number of recipients of old age assistance in Oregon has been declining due to growth of federal support, especially social security and medical assistance. The number of recipients of other welfare aid in Oregon has been increasing. The Council of State Governments estimates that Oregon in 1970 will be providing aid for dependent children to approximately 43,000 recipients. This is about three times as many as in 1957.

Education. Expenditures for elementary, secondary, and community colleges increases in education are projected to reach \$644.2 million by fiscal year 1980-81. This would represent an average yearly increase of 4.3 percent over the years 1967-80. Actual and projected costs per pupil in

elementary and secondary schools are as follows:

**GROWTH OF PER PUPIL COSTS
ELEMENTARY AND SECONDARY SCHOOLS**

1960-61	\$ 497.32
1961-62	518.54
1962-63	547.46
1963-64	620.86
1964-65	615.52
1965-66	667.64
1966-67	717.24
1967-68	777.39
1975-76 (projected)	1,073.29
1980-81 (projected)	1,270.26

The major reason for the slower rate of growth is the corresponding decrease in the growth of enrollments. Enrollments increased at an annual rate of 2.5 percent from 1960 to 1969; they are projected to increase at an average rate of less than one percent annually throughout the next decade.

The weak link in this expenditure projection for local education is the forecast of future enrollments. Also, specific age groups estimates within the projection of population are even less reliable than the population estimate as a whole. Birth rates have been falling over the last several years, but this trend may not continue. If the trend does continue, and if it is not balanced by in-migration, projections of decreased growth in school enrollments will be realized.

Expenditures on higher education are projected to increase at the rate of about 3.3 percent annually from 1968 to 1981 while expenditures increased at the rate of about ten percent from 1957 to 1969. Enrollments, meanwhile, are projected to increase at the rate of about 2.5 percent annually for the next decade while they have increased at an annual rate of 8.5 percent over the past decade. In short, enrollment increases in higher education have begun to taper off; however, many expenditures associated with higher education are not directly attributable to enrollments. Many services, such as dental clinics and educational extension programs provide examples. Will they continue to be an insignificant part of total expenditures on

higher education? If not, the above projections would need to be altered accordingly.

Public Safety. Expenditures for public safety amount to about 20 percent of the total in Oregon cities and these costs tend to increase as the urban areas grow. Three-fourths of all expenditure for fire protection is made by Oregon cities and a large part of the remainder is for fire protection in suburban areas outside of the cities. As cities grow outward, new substations are required in the outlying areas, and as they grow upwards, more expensive fire-fighting equipment is needed. In 1968-69 departmental expenditures exceeded \$9 million in the city of Portland, \$1.5 million in Eugene, \$1 million in Salem, \$585,000 in Medford, and \$127,000 in Bend.

Crime rates have increased as the nation has become urbanized, and the cost of law enforcement has mounted during this period. Oregon spent 94 percent more in 1968-69 than in 1958-59 for law enforcement (\$33.1 million compared with \$17.1 million). The number of known offenses increased by 220 percent during the same period. Spending for police protection is an important tax item. In 1968 it totaled \$9.9 million in Portland, \$1.4 million in Eugene, \$1.3 million in Salem, and \$548,000 in Medford.

Changes are occurring in law enforcement and the administration of justice in order to assure the preservation of the rights of individuals. As a result of Supreme Court decisions, the police must refine their techniques of gathering evidence and apprehending suspects. These decisions have also resulted in an increased emphasis on jury trials in some instances and on the assurances of legal counsel for indigents. Naturally, these changes have required increased local expenditures for training, personnel, and equipment. The need for new jail construction is great. Statistics on the life of Oregon jails aren't available, but if they are similar to those for the United States, approximately half are over 50 years old; 25 to 50 years is the normal life span.



lines of inquiry

The old saying, "There are only two certainties in life, death and taxes," points out the extent to which government depends on taxes as a source of revenue and the extent to which people accept the burden, however grudgingly. Because of this common assumption that all revenue comes from taxes, it may be wise to encourage students to brainstorm the problem of developing alternative revenue sources for their communities.

Wherever possible, statistical data for the 1969 fiscal year has been used in discussions of revenue. It should also be remembered that the percentages and dollar amounts quoted in this section are for the most part approximations which can provide a basis for general comparison, or a perspective for understanding the particular subject under discussion.

action ideas

To initiate a discussion of the most equitable and effective ways to provide revenue for government, students may consider the method employed by Joe Meek in 1843, or thereabouts, when he went through the Oregon Territory to get funds by asking people to give what they could. They might speculate on such questions as: How successful do you think he was? Would you show your appreciation for government by making a fair contribution? Would it be fairer to make everyone contribute? How would you decide how much each person should give?

Resource

An excellent resource for student use is *Taxes, Services, and You*. League of Women Voters of Oregon, 1441 SE 122 Avenue, Portland, Oregon 97233. 1970.

Sewell, John. *Financing State and Local Government in Oregon: A Bibliography*. Oregon Council on Economic Education, Bureau of Governmental Research, University of Oregon, Eugene, Oregon. 1970.

Wiener, Phyllis. *Oregon Tax Structure Primer*. American Association of University Women, 2900 S.W. Martin's Lane, Portland, Oregon.

Your Taxes. Oregon Tax Research, 1104 Loyalty Building, Portland, Oregon 97204.

Lindholm, Richard W. *Citizen's Handbook: 86 Questions and Answers about Oregon's Local and State Taxes and Services*. College of Business Administration, University of Oregon, Eugene, Oregon. 1971.

Recent Publications on Governmental Problems. Bibliography of current articles that pertain to a variety of subjects dealing with state and local government, law, taxes, etc. Joint Reference Library, 1313 E. 60th Street, Chicago, Illinois 60637. Published twice each month. \$10 per year.

Groves, Harold M. *Financing Government*. Holt, Rinehart, and Winston, Inc., 383 Madison Avenue, New York, N.Y. 10017. 1964. 692 pp.

"Taxes: The Collection and Distribution of Your Money: A Special Issue Prepared in Cooperation with the Research Institute of America." *Saturday Review*. Vol. III, No. 12. March 22, 1968.

supporting information

current

TYPES OF REVENUE

The most widely accepted definition of "general revenue" is that of the U.S. Bureau of Census, which defines it as funds collected to support the general operations of government. Thus, money "borrowed" through bond issues is not considered general revenue, which the Bureau of Census identifies as originating from three sources:

- (1) Taxes*
- (2) Charges, fees, and profits
- (3) Intergovernmental transfers of funds

General revenue should not be confused with the General Fund of each level of government. General revenue encompasses both General Fund and Non-General Fund (or Other Fund) revenues.

(1) Within each of the three general classifications of revenue, the laws or the constitution have designated that certain collections shall be "earmarked" for specific expenditures. They become "Non-General Fund" revenues.

(2) All other collections become "General Fund" revenues to be expended at the discretion of the appropriate policymaking bodies.

For example, most tax revenues are put into the Gen-

*Many sources pay "in lieu of" taxes (see page 121).

revenue: an overview

eral Funds of state or local governments, but some taxes (e.g., gasoline) are earmarked for highways and cannot be appropriated for other purposes. Most charges and fees are earmarked, but some (e.g., liquor sales profits) go into the General Funds of state, county, and city governments. Most intergovernmental transfers of funds must be expended for specific purposes, but some state grants (e.g., from liquor revenues) to local governments are not earmarked.

Taxes comprise 62 percent of state and local revenue in Oregon.

Income tax collections (personal and corporation) amount to more than half of all taxes collected at the state level and this reliance upon the income tax as a source of revenue is among the highest in the nation.* However, income tax collections comprise only 31 percent of state-level general revenue and 19 percent of total general revenue for state and local governments.

The next largest source of tax income at the state level is the motor fuels excise tax, but it comprises only nine percent of the total state-level general revenue. It is a restricted type of tax and is earmarked for expenditures on highways.**

Although Oregon's property tax is used only by local governments, it amounts to almost 30 percent of all state and local income, 54 percent of all local income, and almost 100 percent of all local tax revenue.

Charges and fees comprise only 10 percent of all state-level general revenue and 15 percent of all local government general revenue, but they are growing in importance as a revenue source. They are a relatively inflexible source of income because they can be levied only when individuals using services can be identified and charged for them. In addition, the revenue from most charges and fees is only sufficient to pay the

costs of regulating the activities concerned. For example, hunting and fishing license fees are used to help defray the costs of game and fish conservation activities.

Intergovernmental grants comprise 28 percent of state and local general revenue. They have been growing in importance as it has become evident that the level of government best able to render an important service is increasingly unable to collect sufficient revenue to pay the costs of that service. As an example, schools must be operated at the local level, but not all school districts can collect sufficient funds to operate effectively (see page 89). Therefore, tax collection is more and more being considered as a responsibility of state and federal governments, which have wider tax bases and more efficient collection methods. However, serious differences arise over how these collections can be equitably distributed among the governmental units actually providing services.

In 1969 the federal income tax provided almost half of the total general revenue collected by all governmental units in the United States. The federal government collects more than three-fifths of all tax revenue (78 percent from income tax), state governments collect nearly one-fifth, and local taxes also account for approximately one-fifth of total tax payments.

Table 2, page 110, provides a complete summary of the revenue sources of Oregon state and local governments, how these revenues are distributed among the various levels, and how each level allocates them to support services.

The table is provided to help teachers and students analyze Oregon's current revenue sources and the ways they are used to support government services (e.g., what resources are presently being used for economic development; how property tax, income tax, and cigarette tax compare as sources of revenue for cities and counties, etc.).

*This is because, although most states have an income tax, they also have a sales tax.

**The 1971 Legislative Assembly included bicycle trails.

table 2. overview of oregon's

Major Sources State & Local Revenue	1968-69 Proceeds (millions)	Levi of Collection	Basis
Property Tax	\$397.7 ***	Local	Assessed valuation
Income Tax	241.8	State	Net income (personal, \$204.3; corporation, \$37.5)
Federal Payments	225.8	Federal	Population; in lieu of taxes
Motor Vehicle Taxes, Fees	110.3	State	Gasoline sold, licenses, registration
Local Nontax Revenue	108.0	Local	Fines, fees, sales, rents, interest, other
Bond Sales	82.5	State	Building construction
Charges for Services	42.3	State	Auxiliary enterprises, state wards, other
Sales and Rent	36.6	State	Building rentals, etc.
Interest	35.2	State	Investments, etc.
Liquor Sales, Tax, Fees	34.7	State	Profits, privileges, licenses
Employment Tax	31.8	State	Salaries, wages
License Taxes (incl. fines & fees)	15.0	State	Privilege (hunting, fishing), commodities, corporation, utility, health insurance, banking, real estate
Cigarette Tax	12.2	State	Four cents per package
Inheritance, Gift Tax	10.8	State	Value of property transferred
Insurance Tax	10.3	State	Premiums
City Nonproperty Taxes	10.3	Local	Business, occupational, amusement, other
Other State Taxes	6.5	State	Property (mobile home, private car company), parimutuel, severance,* boat, amusement, rural telephone
Donations and Grants	4.0	State	Private gifts, etc.
Forest Protection Tax	2.6	State	Fire protection

N Nominal

*Only major sources of revenue and expenditures are shown. All resources and amounts are very difficult to list. There are over 1,400 local governmental districts whose budget categories do not always conform with the categories shown here.

**Distributed to I.E.D. for education.

***Includes total levies and assessments.

revenues and expenditures

Percent of State and Local Budgets						
State	Counties	Cities	Sch. Dists. (1-14)	Spec. Dists.		
	30.9	41.8	67.7	35.2		
20.8	0.8		21.1			
9.5	30.9	8.9	6.1	1.5		
10.2	15.3	10.4				
	17.9	25.1	5.1	61.3		
11.2						
5.8						
5.0						
4.8						
3.7	2.0	3.4				
4.3						
2.0						
(8.3)*	2.1	2.4				
1.5						
1.4						
		8.0				
0.1	.01			2.0		
(2.4)*						
0.6						
0.4						
100.0	100.0	100.0	100.0	100.0	Major Expenditures (millions)	Program
2.3	4.8**		94.2		Elementary & Secondary Educ.	412.3
			5.8		Community College Educ.	24.2
31.5					Higher Education	165.7
.9	2.9	1.7			Libraries, other	11.0
4.0					Agric., Commerce, Vet. Affairs, etc.	Econ. Dvlp.—\$21.0
20.0	42.4	20.8		26.1	Highways, roads, streets, admin. ports	Transportation—\$204.4
14.7	3.1				Welfare	81.8
7.4	11.2	2.3		12.2	Health, hospitals	63.7
3.9	.5				Other: rehab., empl., corrections	21.2
.4	2.1	13.0		5.4	Parks & recreation	23.5
1.1	9.3	25.2		26.5	Police, military, fire protection	62.2
.6	2.8	16.5		26.9	Public works, bldgs, water	39.7
.4					Legislative	2.1
.4					Judicial	2.1
6.5	20.9	20.5		2.9	Administration, interest, etc.	90.9
1.7					Fish & Game	8.9
2.3	N	N			Forestry & parks	12.1
N	N	N			Environmental Quality	N
1.9					Other	10.0
100.0	100.0	100.0	100.0	100.0		1,256.8

revenue policies

GENERAL CONSTRAINTS

Consent of the People. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly. All taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax. (Article I, Section 32.)

Due Process. No court shall be secret ... but justice shall be administered openly and ... without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation. (Article I, Section 10.)

In all civil cases the right of trial by jury shall remain inviolate. (Article I, Section 17.)

Equal Rights. All men are equal in right ... and have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. (Article I, Section 1.)

Equality of Privileges. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens. (Article I, Section 20.)

Initiative and Referendum. The people reserve to themselves the initiative power, which is to propose laws and amendments to the constitution and enact or reject them at an election independently of the Legislative Assembly. The form of the initiative petition and the number of signatures required are prescribed.

The people reserve to themselves the referendum power, which is to approve or reject at an election any act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session. The form and number of signatures for a referendum petition are prescribed.

A referendum on any act may be ordered by the Legislative Assembly.

The same initiative and referendum powers are reserved to the voters of each municipality and district as to all local, special, and municipal legislation of every character in or for their municipality or district. The manner of exercising these powers is prescribed. (Article IV, Section 1.)

Private Property or Services. Private property shall not be taken for public use, nor the particular services of any

man be demanded, without just compensation; nor, except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways, and waterways necessary to promote the transportation of the raw products of mine, or farm, or forest, or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. (Article I, Section 18.)

Religious Appropriations. No money may be appropriated for the benefit of any religious or theological institution or for religious services in either house of the Legislative Assembly. (Article I, Section 5.)

Six Percent Limitation. No taxing unit may raise a greater amount of revenue in any year than the amount obtained by adding six percent to the total amount of tax lawfully levied in any one of the last three years in which such a tax was levied, unless: (a) such levy is for bonded indebtedness or interest thereon, or (b) the amount outside the limitation is approved by the voters of the taxing unit. A procedure is established by which voters may approve a new tax base. If the voters do increase the tax base, the six percent limitation applies to the new base. Procedures are established for creating a tax base for a new taxing unit or for annexation of additional property to an existing taxing unit. (Article XI, Section 11.)

Uniformity of Taxation. All taxes shall be levied and collected under general laws operating uniformly throughout the state. (Article IX, Section 1.)

Voting on Special Taxes. Provision may be made by law to require that persons who vote upon questions of levying special taxes or issuing public bonds shall be taxpayers. (Article II, Section 2.) An exception to this is school district elections, in which every citizen who has resided in the district for six months preceding an election is entitled to vote, provided he is able to read and write the English language. (Article VIII, Section 6.)

CONSTRAINTS ON STATE GOVERNMENT

Balanced Budget. The Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the state for each fiscal

year, and also a sufficient sum to pay the interest on the state debt, if there be any. (Article IX, Section 2.)

Whenever the expenses of any fiscal year shall exceed the income, the Legislative Assembly shall provide for levying a tax, for the ensuing fiscal year, with other sources of income sufficient to pay the deficiency as well as the estimated expense of the ensuing fiscal year. (Article IX, Section 6.)

Bills to Raise Revenue. Bills for raising revenue shall originate in the House of Representatives. (Article IV, Section 18.)

Budgetary Control. The Legislative Assembly has the power to establish an agency to exercise budgetary control over all executive and administrative state officers, departments, boards, commissions, and agencies of state government. (Article III, Section 2.)

Common School Fund. Revenue sources of the Common School Fund are established. Interest derived from the investment of the fund as prescribed by the legislature, goes to elementary and secondary schools. Method of distribution is prescribed. Common School Fund lands shall be managed by a State Land Board comprised by the Governor, Secretary of State, and State Treasurer. (Article IX, Section 1, 2, 4, 5.)

Community Colleges. The state is empowered to incur indebtedness in an amount not to exceed three-fourths of one percent of the true cash value of all taxable property in the state to be used to construct, purchase, or improve buildings for higher education or for community colleges. Property taxes may be levied in sufficient amount to provide for payment of bonds and interest. (Article XI-G.)

Content of Appropriation Laws. Laws making appropriations for the salaries of public officers and other current expenses of the state shall contain provisions upon no other subject. (Article IX, Section 7.)

Credit of the State. The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate exceed \$50,000. (Article XI, Section 7.) *

Emergency Board. The Legislative Assembly is authorized to establish a joint committee of both houses to

*Exceptions to this were approved in later amendments to permit the state to incur indebtedness for higher education buildings, community college buildings, forest rehabilitation, veterans loans, and water resource development.

and the constitution

exercise, during the interim between sessions, emergency powers over state agency expenditures. The legislature defines "emergency" for the purposes of this section. (Article III, Section 3.)

Emergency Clause. The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption. (Article IX, Section 1a.)

Federal Income Tax. Oregon income tax will be computed by a method closely corresponding to the federal income tax. When Congress changes the method of computing federal income tax, the changes are automatically adopted into Oregon law unless the Legislative Assembly reviews such changes when it meets in regular session and modifies or rejects them. (Article IV, Section 32.)*

Forests. The state is empowered to incur indebtedness in an amount not to exceed three-sixteenths of one percent of the true cash value of taxable property in the state for forest rehabilitation and management. A property tax may be levied to provide for the payment of such indebtedness. (Article XI-E.)

Higher Education Building Projects. The state is empowered to incur indebtedness not to exceed three-fourths of one percent of the true cash value of all taxable property in the state to finance the cost of buildings and other projects for higher education. Only self-liquidating projects are authorized in Article XI-F. In Article XI-G, the state is authorized to levy property taxes in sufficient amount to provide for payment of bonds and interest for buildings.

Highway Funds Earmarked. All motor vehicle taxes shall be used exclusively for the construction and maintenance of public highways, roads, and streets within the state. (Article IX, Section 3.)

Issuing Money. There shall be no state banks, nor shall any bank or institution exist in the state with the privilege of making, issuing, or putting in circulation anything to circulate as money. (Article XI, Section 1.)

Limiting Local Revenue. The Legislative Assembly shall not pass special or local laws for the assessment and collection of taxes. (Article IV, Section 23.)

Acts of the Legislative Assembly incorporating towns and cities shall

restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. (Article XI, Section 5.)

Lotteries. Lotteries and sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws. (Article XV, Section 4.)

Paying of Local Debts. The state shall never assume the debts of any county, town, or other corporation whatever, unless such debts have been created in defense against invasion, insurrection, or war. (Article XI, Section 8.)*

Poll Tax. No poll or head tax shall be levied or collected in Oregon. (Article IX, Section 1a.)

Pollution Control. The state may incur indebtedness in an amount not to exceed one percent of the true cash value of all taxable property in the state to provide loans or grants to local governments for sewage control. Such loans or grants cannot exceed 30 percent of the cost of proposed facilities. (Article XI-H, Sections 1, 2.)

Ports. Voters in port districts are empowered to raise money up to one percent of the assessed valuation of all property in the municipality. (Article XI, Section 9.)

Public Accounting. An accurate statement of the receipts and expenditures of public money shall be published with the laws of each regular session of the legislature. (Article IX, Section 5.)

State as Stockholder. The state shall not subscribe to, or be interested in the stock of any company, association, or corporation. However, as provided by law, the state may hold and dispose of stock that is donated or bequeathed, and may invest money that is donated or bequeathed for higher education purposes in stock. (Article XI, Section 6.)

Stating Tax Purpose. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object... to which the tax shall be applied. (Article IX, Section 3.)

Treasury. No money shall be drawn from the treasury except in pursuance of appropriations made by law. (Article IX, Section 4.)

Urban Renewal. Taxes levied against any increase in the true cash value of property which results from redevelopment or urban renewal projects shall be used to pay any indebtedness

incurred for such redevelopment. (Article IX, Section 1c.)

Utility Districts. Utility districts shall have power to levy taxes upon the taxable property within the district... and may sell, distribute, and/or otherwise dispose of water, water power, and electric energy within or without the territory of the district. (Article XI, Section 12.)

Veterans. The state is empowered to incur indebtedness not to exceed five percent of the true cash value of all property in the state to make farm and home loans to veterans and issue bonds to create an Oregon War Veterans' Fund. (Article XI-A.)

Water Resources. The state is empowered to incur indebtedness up to one and one-half percent of the true cash value of all taxable property in the state for the purpose of controlling and developing the water power within the state. (Article XI-D.)

CONSTRAINTS ON LOCAL GOVERNMENT

County Courts. Counties having less than 10,000 white inhabitants shall be reimbursed wholly or in part for the salary and expenses of the court by fees, percentage, and other equitable taxation, of the business done in the court and by the county clerk's office. (Article VII, Section 14.)

County Home Rule. The voters of any county may adopt, amend, revise, or repeal a county charter to provide for the exercise of authority over matters of county concern. Local improvements shall be financed only by taxes, assessments, or charges imposed on benefited property, unless otherwise provided by law or charter. (Article VI, Section 10.)

In counties, only benefited properties shall be assessed for local improvements unless otherwise provided by law or charter. (Article VI, Section 10.)

Power to Assist Corporations. No local government can become a stockholder in, raise money for, or loan its credit to any joint company, corporation, or association. An exception is made for port districts. (Article XI, Section 9.)

County Debt Limitation. No county shall create any debt or liabilities exceeding \$5,000, except that they may incur bonded indebtedness in excess of this amount to carry out purposes authorized by law. (Article XI, Section 10.)

*The 1971 Legislative Assembly adopted the IRS Code as it was operative and effective on December 31, 1971.

**This was modified by an amendment passed in 1970. See Pollution Control.

lines of inquiry

Citizenship education cannot be considered a process that terminates with high school. It is obvious that the motivation to acquire the knowledge and skills of effective citizenship will be greatest when exercising adult responsibilities. Consequently, detailed information concerning specific taxes may be of most value to community college and adult education classes.

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For most public school students, this information can be useful and meaningful only as it clarifies questions they have concerning the role government can play in solving the problems which interest them.

The information contained in this section will also be useful to teachers whose students become involved in following future legislative or city council debates on proposals for new or revised tax structures. (See also pages 158-174.)

Questions of how revenue is obtained and allocated have great significance for those who understand that the success of any governmental effort in which they have a particular interest depends upon the appropriation of sufficient funds.

action ideas

Obtain sample forms for Oregon's personal income tax report and give students problems to solve involving relatively low and relatively high incomes, such as, what percent of each income remains after deducting income tax?

Another excellent resource for this kind of activity is *Teaching Taxes*, published annually by the U.S. Treasury Department Internal Revenue Service. School administrators receive notice of publication.

Resources

Selected Data on the Finances of State and Local Government in Oregon. Financial Bulletin No. 9. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon. 1971.

Hoefke, R.H.W. *Oregon Income Tax Structure*. Eighth Annual Tax Conference sponsored by the Oregon Association of Public Accountants, Salem, Oregon. 1967.

Goode, Richard. *The Individual Income Tax*. The Brookings Institution, Washington, D.C. 1964.

Groves, Harold. *Viewpoints on Public Finance*. "Conflict and Harmony in Taxation" address before the American Philosophical Society by Roy Blough. Holt, Rinehart, and Winston, Inc., New York, N.Y. 1947.

Hirsch, Werner Z. *The Economics of State and Local Government*. McGraw-Hill Book Company, 330 W. 42 Street, New York, N.Y. 10036. 1970.

supporting information

income

OREGON'S PERSONAL INCOME TAX

The state income tax is based on the belief that fairness requires a graduated scale of obligations on the "ability to pay" principle. The income base is considered as particularly suited for this, because it can be constructed to provide both "horizontal" and "vertical" equity. Horizontal equity is usually defined as treating individuals under similar circumstances in the same way. Vertical equity involves the assumption of some sort of graduation in the sacrifice involved in tax payments at different income levels. It is assumed that as an income increases, the sacrifice of paying a dollar of tax decreases and this justifies higher tax rates on larger incomes.

The first income tax in Oregon was enacted in 1923 but was repealed by initiative in 1924. A personal income tax was enacted again in 1929 and the initiative repeal measure was defeated in November 1930.

Use of Federal Income Tax Base. The most recent substantive change in the state's income tax law was contained in the Oregon Personal Income Tax Act of 1969. This adopted the Federal Internal Revenue Code as the base for Oregon's individual income tax.

as a taxable resource

The Oregon Constitution was amended by referendum in November 1970, to provide that any future changes in the federal individual income tax base may be automatically included in the Oregon personal income tax base unless the Oregon State Legislature specifically votes against such inclusion.

The desirability of a state using the same base for its individual income tax as the federal government uses has been debated for years. One advantage of not using the federal base is that the state could modify features of the federal code which might be considered socially or economically undesirable. The primary advantage of having the same tax base as the federal government is the convenience it affords taxpayers and possible reduction in administrative costs.

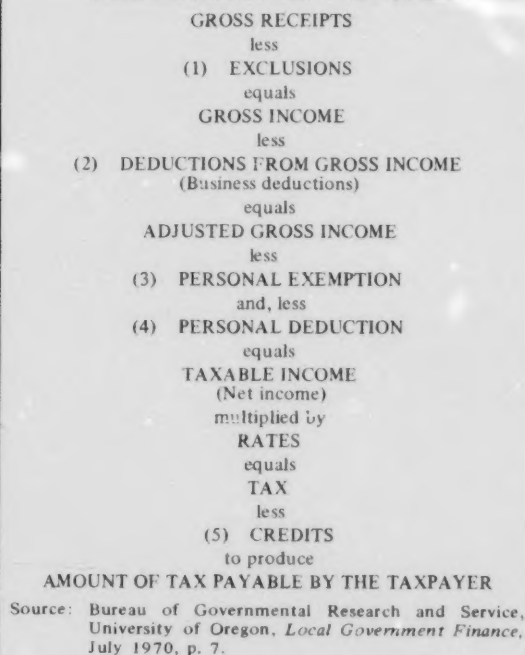
The federal income tax code defines taxable income as "all income from whatever source derived." Most states use a similar measure of taxable income, but some states and localities show substantial differences in definition.

Oregon uses the federal definition of "income" or "gross receipts," with minor modifications:

- (1) Salaries and wages
- (2) Refunds of U.S. Income Tax
- (3) Dividends
- (4) Interest
- (5) Pension and annuity income
- (6) Interest or dividends on obligations of other state or local governments*
- (7) Oregon tax deducted on previous year's fiscal tax return*
- (8) Rents and royalty income
- (9) Partnership, trusts, estates, and miscellaneous income
- (10) Business income
- (11) Sales or exchanges income
- (12) Farm income
- (13) Depletion in excess of basis*

*Oregon's modification

FEDERAL INCOME TAX—FLOW CHART



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As the flow chart indicates, taxable income is reduced even further by exclusions, exemptions, and deductions.

(1) Exclusions are receipts of an individual or business which are not considered as taxable income. Income that is exempt from taxation in Oregon generally includes:

Life insurance payments
Certain scholarship and fellowship grants
Retired Serviceman's Family Protection Plan
Endowment and annuity payments equal to the taxpayer's cost in the contract
Rental value of a minister's dwelling
Gifts, inheritances, bequests

action ideas

Making Comparative Charts. Students might construct a chart showing the types of taxes commonly used by local, state, and federal governments. It should indicate which taxes are used by Oregon state and local governments; compare Oregon's taxes with those of Washington, California, and Idaho. Accounting for the differences in methods of taxation can lead students into interesting discoveries about the nature of tax equity and the effects of the initiative and referendum on Oregon's fiscal history.

Understanding Tax Exemptions. Tax exemptions rest on the premise that providing public luxuries at the expense of private necessities is poor economics. Therefore, exemptions might be called the legislature's definition of private necessities. Students might analyze the exemptions, deductions and credits allowed under Oregon's Income Tax Law in terms of their own definitions of private necessities. Which of the deductions can be clearly designated as a necessity? Which are marginal necessities? Which are questionable? How could the present exemptions and deductions be revised to effect greater horizontal equity?

Resources

Kane, Michael. *A Brief Comparison of Taxes in Oregon, Washington, and California*. Oregon Economic Development Division, Portland, Oregon. 1968.

State and Local Finances: Significant Features 1967 to 1970. An Information Report. Advisory Commission on Intergovernmental Relations, Washington, D.C. 20575. 1969. \$2.25.

Federal Taxation. Film: 11 minutes, black and white, grades 7-14. *\$3.75. Major financial needs of government, sources of revenue, and uses of taxes. Also available from Coronet Instructional Films, 65 E. South Water Street, Chicago, Illinois 60601. \$60.

Write to the Department of Revenue, State Office Building, Salem, Oregon 97310, for annual analysis of Oregon's Personal Income Tax.

History, Development, and Limitations of Oregon's Tax Structure Prior to 1954. Bulletin. Department of Revenue, State Office Building, Salem, Oregon 97310. 1965.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

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Interest on U.S. obligations*

Interest on State of Oregon bonds issued after May 24, 1961*

Armed Forces active service pay (not to exceed \$3,000)*

Armed Forces disability pay

Workmen's compensation

Unemployment and Social Security benefits

Public retirement pension (not to exceed \$2,400)*

Value of meals and lodging

Youth program payments (enrollees in Job Corps in Oregon)

Oregon government's retirement pensions*

U.S. Income Tax withheld and paid during the tax year*

(2) Business deductions are authorized expenses to produce income (e.g., repairs, depreciation, amortization, depletion allowances).

(3) Personal exemptions are usually a flat amount of money which can be deducted from taxable income when estimating tax payment. Under Oregon's Personal Income Tax Law:

Each taxpayer is allowed a \$625 exemption.

Each blind taxpayer is allowed an additional exemption of \$625 plus an \$18 tax credit* under "offsets."

Taxpayers over 65 do not receive an additional exemption but receive a \$12 tax credit* under "offsets."

*Oregon's modification

(4) Personal deductions are amounts allowed for certain payments made by the individual which may be deducted from taxable income to estimate tax payment. Deductions allowable under Oregon's individual income tax if the standard deduction option is not used, are the same as those allowed by the federal code.

Contributions (religious, charitable, scientific, educational)

Interest (mortgage, personal debts, life insurance loan)

Taxes

Medical and dental expense (percentage)

Other deductions (casualty losses and theft, alimony or separate maintenance payments, child care, and certain individual expenses).

(5) Credits, like exemptions, are usually flat amounts of money which can be deducted. In Oregon they include:

Credits for pollution control.*

Credits for retirement income.

Tax Rates. It should be remembered that "tax rates" are applied to net income only. In this regard Oregon's income tax rate schedule is among the five highest in the nation and is also one of the most steeply graduated.

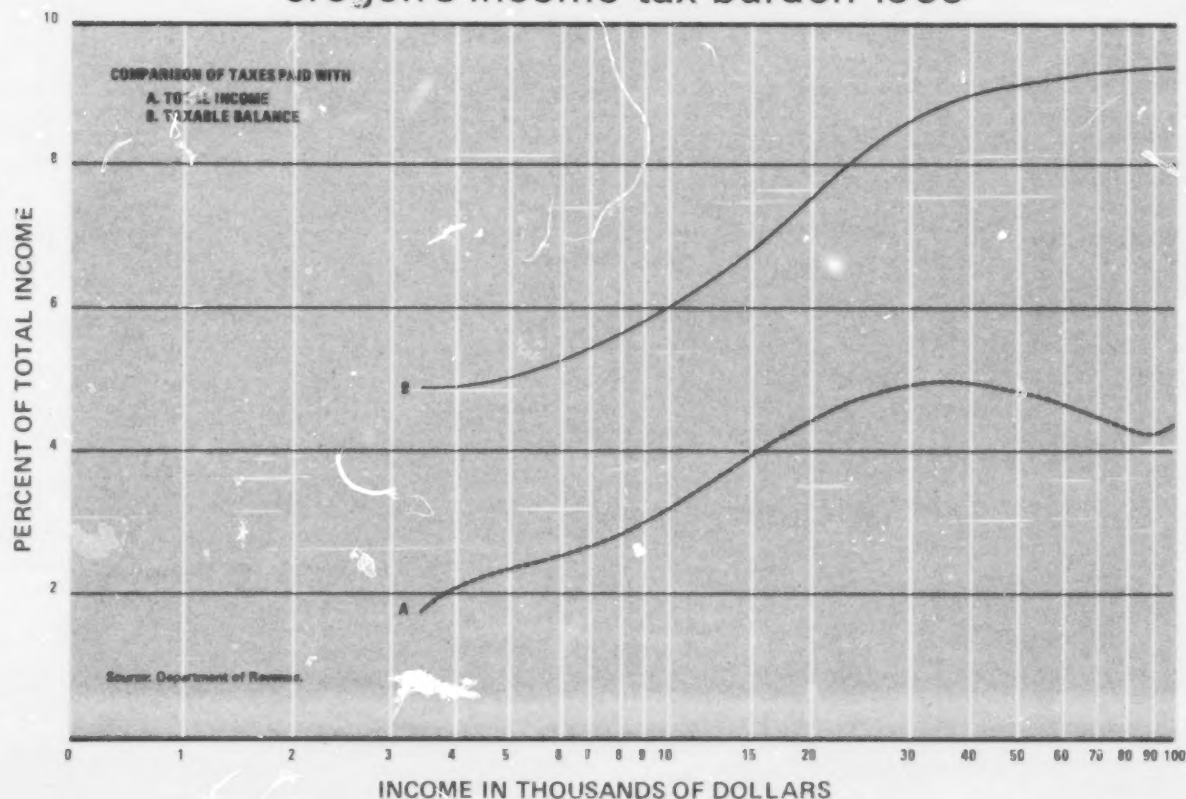
However, it is the "effective rate" structure which determines the progressivity of a tax.** "Effective" rate is determined by exemptions, deductions, and exclusions, as well as the rate applied to net income. The "effective" rate on total income in Oregon makes Oregon's tax progressive up to \$35,000 of income. Beyond this, the tax tends to become regressive because of special treatment of capital gains, depletion allowances, federal tax deductions, etc.

The progressiveness of the Oregon tax is considerably lessened due to the deduction of federal income taxes paid, particularly beyond the first \$35,000 of income (see chart).

Tax Productivity. It should be noted that federal and state governments have adopted operational income tax bases which are more restricted than they might be.

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oregon's income tax burden 1969



*Oregon's modification.

**"Effective rate" of a specific kind of tax should not be confused with "effective burden," which is figured on the basis of all the types of taxes levied.

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Understanding Tax Purpose. It has been said that "business taxes are levied in confusion with vague references to ability to pay and to benefits. We have no clear conception of what business is or why and how it should be taxed." Students might consider this question and do some research on why we do tax business, rather than merely taxing the income of businessmen. For example, what special privileges and benefits do businesses receive from government? What would it cost some typical businesses to provide such benefits for themselves?

Identifying Taxes. Ask students to answer such questions as: Is it easier to pay a tax incorporated into your bill for a suit of clothes, one added by the clerk to the cost of the suit, or one based on your income? What type of tax does each represent?

Resources

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The effect of these restrictions in tax bases can be illustrated by the following statistics:

(1) In 1965, over 100,000 of the 685,000 returns filed in Oregon fell below taxable minimums because of deductions and exemptions.

(2) Today, it is estimated that less than one-half of the total reported income of Oregonians is taxed.

(3) In 1968, the U.S. Department of Commerce reported total personal income in Oregon as \$6,660 million. However, because of exemptions and deductions in the federal income tax code, tax returns showed an adjusted gross income of only \$5,401 million, and Oregon returns showed a total adjusted gross income of only \$5,548 million. But even more important, the net income subject to Oregon's tax rate was \$3,203 million.

Teachers and students may want to list Oregon's modifications of "taxable-income" (pages 115-117) and compare them with proposals for changing Oregon's income tax (page 165).

OREGON'S CORPORATION EXCISE (INCOME) TAX*

In Oregon, unincorporated businesses are taxed under the Personal Income Tax Law. However, Oregon has between 18 and 19 thousand corporations—businesses that are organized as legal entities

*Except where otherwise noted, analysis of this tax is based upon the Governor's Fiscal Study Task Force reports and information from the State Revenue Department.

with limited individual liability for managers and stockholders. At one time all corporations in Oregon paid a corporation excise* tax which, in this case, is a tax on net income. It was called a "privilege tax" or a franchise tax for the privilege of doing business in the state. However, in 1955, the United States Supreme Court ruled that solely interstate** corporations could not be subjected to privilege taxes, so in order to avoid losing from the tax rolls approximately 250 interstate corporations with activities in Oregon, the legislature enacted a special corporation income tax law which requires that these interstate corporations pay tax on the income they earn in Oregon. The old corporation excise tax law remained applicable to corporations based solely in Oregon.

Tax Base. Essentially, Oregon's corporation excise tax and the corporation income tax are the same, because they both use net income as their tax base.

There are three major concerns in determining the fairest way to tax corporations. A "neutral tax base," will not distort the economy by favoring some businesses more than others. It encourages tax shifting—forward to the consumer or backward to owners, workers, and suppliers. It will not result in excessive double taxation.

 **The Double-Taxation Issue.** Some economists argue that a corporation is not a suitable entity for taxation because corporate taxation on profits in conjunction with personal taxation on dividends involves taxing the same income twice. However, a tax imposed only on dividends would mean that large amounts of income generated in the corporate sector would never be subject to tax because corporations usually do not distribute their total earnings for a given year to their stockholders.

It is true that under the present system in Oregon there is double taxation in the legal sense in that stockholders and corporations are separate legal entities. Imposing the corporation net income tax imposes two taxes on the same income: one as a tax on corporation profits and one as a tax on personal dividends.

*Calling this tax an "excise" tax is confusing, because an excise tax usually refers to a tax on specific commodities. The definition of "excise" is cutting away or cutting apart.

**"Interstate" is used in the context of the commerce clause of the U.S. Constitution. Under this clause, moving through the state, or limited selling activity within the state, is not "doing business."

It is by no means clear that this would result in over taxation. * Multiple taxation of the same income source has much less meaning to the individual taxpayer than the absolute level of tax burden. A taxpayer would certainly dislike a single tax that took 90 percent of his income more than he would five different 5 percent taxes on the same income, an aggregate of only 25 percent. Furthermore, double taxation of dividends is not unique as a multiple-stage taxing device. An individual may pay a personal income tax and then pay sales or excise taxes on the things he buys with this income.



Equity for Small Corporations. Oregon's present system of corporate taxation makes no distinction between small corporations, which essentially are partnerships, and large, publicly held corporations in which there is a real separation of ownership from control. However, each type treats its profits differently.

In the case of the large publicly held corporation, where the correspondence between ownership and the corporate entity is much less direct and control is held to a large extent by the management, taxing the profit of a corporation and separate taxing of dividends received by stockholders of such a corporation appears not so much to be taxation of the same income twice but rather separate taxation of the income of separate entities. In such circumstances it is understandable for undistributed profits to be excluded from the taxable income of stockholders.

The owners, whether stock or equity holders, and the management of small, closely held corporations are usually not separate entities. If this is the case, the question is more than just double taxation. It also involves under- or over-taxation of retained earnings. According to the Fiscal Study Task Force, such a corporation should be treated as if it were a partnership. The equity owners would be taxed on their pro rata share of the profits of the corporation whether such earnings are distributed or not. Such a change in tax policy may remove an advantage of incorporation but would tend to equalize tax liability.



Exemptions and Deductions. Exemptions and deductions have a considerable effect on the revenue potential of corporation income taxes in relation to the total tax structure of

* European nations eliminate much of this difficulty by crediting a percentage of corporate profit taxes paid to individual income tax payers.

lines of inquiry

There is perhaps more misunderstanding of the corporation income tax than any other revenue producing levy. Students should investigate and discuss the following claims:

(1) It is the consumers, shareholders, and workers who finally pay corporation taxes and therefore, the central question is how to distribute the burden fairly among these three groups.

(2) To the extent that a corporation shifts its taxes forward to the purchasers of its products, those taxes are, in effect, sales taxes and prices are higher than they otherwise would be.

(3) If some or all of the tax burden is shifted backward to the shareholders or workers, they get lower returns on their investments, or lower wages than they would otherwise.

(4) To the extent that it isn't shifted, according to most economists, the corporation tax becomes a discriminatory tax on capital, discourages investment, penalizes the more efficient and profitable businesses, and thus becomes an indirect subsidy of the less efficient or low-profit enterprise.

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the state. Oregon exempts many kinds of nonprofit corporations from corporation income and excise taxes. These include:*

- (a) Fraternal organizations
- (b) Corporations of a religious, literary, scientific, charitable, or educational nature
- (c) Agricultural or labor organizations
- (d) Cooperatives
- (e) Insurance companies that pay taxes on premiums
- (f) Credit unions, state or federal
- (g) Housing corporations operated for the benefit of students or the aged
- (h) Pleasure, recreation or other nonprofit clubs

Federal income tax cannot be deducted by Oregon corporations. Deductions they can take include property taxes, corporation licenses, and city business licenses. In addition, the following deductions may be spread over several years:

- (a) Depreciation costs of buildings and equipment
- (b) Depletion allowances for mines, oil and gas wells, and other natural deposits
- (c) Costs of patents, franchises, leasehold improvements, or other intangible fixed assets

Oregon law provides an offset of up to one-third of the tax to manufacturers for Oregon personal property taxes paid on raw materials, goods in process, and finished products. As a result, many manufacturing companies have an effective** rate of close to four

*Subject to legislative change each biennium. See State Department of Revenue instructions for corporation filing.

**See page 117.

Resource

"Are You Taxed Fairly?" *Christian Science Monitor*. A series of ten articles on taxation appearing in weekend issues between March 14 and April 16, 1970.

percent. Inventories become fully exempt from property tax by July 1, 1980.

To encourage installation of pollution control facilities, Oregon allows corporations that build such facilities either a 20-year property tax exemption or a deduction representing 50 percent of the cost of the facility taken at the rate of five percent each year.

Tax Rate. Both taxes, the Corporation Income Tax and the Corporation Excise Tax, are levied at the rate of six percent on net income. Financial institutions are an exception to this. They are taxed at the rate of eight percent. (See "Oregon's Taxation of Financial Institutions.")

Tax Productivity. "Revenue from corporation excise and income taxes goes into the General Fund and provides approximately 12 percent of this fund and five percent of total state general revenues.

State corporation taxes represent only a small portion of the total tax bill of Oregon corporations. They amount to only six percent, as compared to the federal corporate income tax of about 50 percent of net income.

"PEOPLE, NOT THINGS, PAY TAXES. THE ACTUAL BURDEN OF CORPORATION TAXES FALLS IN SOME COMBINATION ON CONSUMERS, SHAREHOLDERS, AND WORKERS. THE DIVISION OF THE BURDEN IS THE KEY QUESTION OF FAIRNESS."

Christian Science Monitor, March 26, 1970.

There has been some discussion of adopting the federal corporate income tax base as a substitute for Oregon's corporation excise and income taxes. One argument is that such a procedure would provide taxpayer convenience and administrative simplicity. The main disadvantage is that the state would be locked into the federal base and could not make special provisions for circumstances peculiar to the state. For example, the state tax policy-makers might want to give special tax incentives for the development of certain desired industries but would be precluded from doing so if the state corporate tax were tied to the federal base.

Most of the substantive provisions of the Oregon corporation excise tax correspond fairly

closely to the provisions of the federal code. The differences, at least from the point of view of revenue effect, are in three main areas:

- (1) Capital gains are taxed as ordinary income in Oregon; they are given preferential treatment by the federal government.
- (2) Depletion allowances are not granted in Oregon but are granted in the federal code.
- (3) Financial institutions have a broader tax base in Oregon.

The State Department of Revenue has made estimates of revenue loss if Oregon should adopt the federal base on the basis of 1967 data. The projected minimum revenue loss was calculated to be ten percent of corporate tax revenues.

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OREGON'S TAXATION OF FINANCIAL INSTITUTIONS

Tax Base and Productivity. The tax base for commercial banks, savings and loan associations, and mutual savings banks in Oregon is considered to be broad, at least as compared with the federal tax base on these same types of financial corporations, because the federal government allows preferential treatment of long-term capital gains (see above); exclusion of interest from state and local bonds from the taxable income; and generous provisions for amounts that can be deducted to provide a bad debt reserve (actual loss is deductible, rather than some arbitrary rule such as a fixed percent of uninsured loans outstanding).

Tax Rate. The Oregon corporate excise tax applied to commercial banks, savings and loan associations, and mutual savings banks is presently imposed at a rate of eight percent of the tax base as compared with a six percent rate on nonfinancial corporations. This extra two percent is imposed because financial corporations are not subject to a personal property tax law. The higher rate applied to them is sometimes called "in lieu of" taxation.* The underlying motivation of the in-lieu-of principle was equitable treatment of state and federally chartered banks, bringing the latter into the tax fold. The state could have imposed a personal property tax on state banks and other financial institutions but because a court decision of 1925 prohibited personal

*The 1973 federal law for national bank taxation requires that banks be treated like other corporations. The federal government will permit taxation of personal property.

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property taxes on national banks, the latter would have had a competitive advantage.

In December 1969, Congress made it possible for states and other governmental jurisdictions to impose a tax on tangible personal property of national banks.

It is difficult to determine how high the tax rate on financial corporations would have to be raised if Oregon adopted the federal base for these corporations and yet maintained the same revenue. Nevertheless, a rate increase would be required because the federal tax base for commercial banks, savings and loan associations, and mutual savings banks is not as broad as Oregon's.

OREGON'S EXCISE (CONSUMPTION) TAXES

Tax Base. Excise taxes may be defined as levies that are added to the price of goods paid by consumers. Excise taxes are imposed by both federal and state governments on such items as cigarettes, liquor, tires, automobiles, amusements, playing cards, and cosmetics.

One of the basic arguments for taxing certain goods is that the tax will be paid by those who receive the benefits of the expenditure of the tax revenue. This is exemplified by the gasoline tax revenues when exclusively used for highway construction and maintenance.

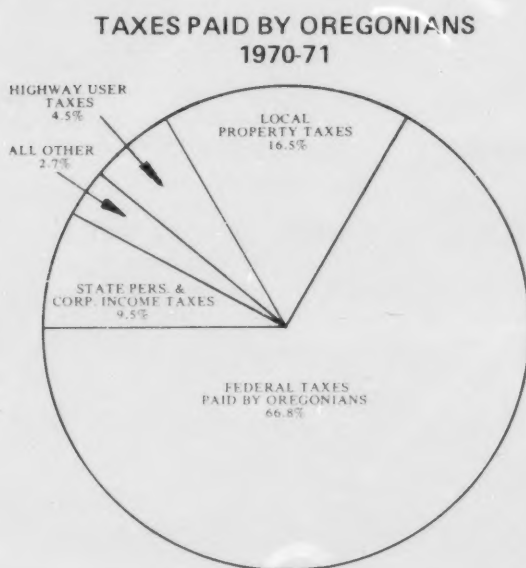
"Benefit excise taxes" are levied as indirect prices for

public services that yield particular and measurable benefits to individuals. Failure to levy them would be to allow receipt of particular services without particular payments; the cost of such services would then be borne by the community as a whole through general taxes.

A second basic argument is that it is desirable to limit the consumption of those goods the society deems undesirable, such as liquor and tobacco. Therefore, "sumptuary" taxes were created as a means of penalizing and thus limiting consumption of these things. However, in this country the rates at which such items are taxed tend to remain below the level which would discourage consumption (except, perhaps, by the poor) and yet high enough to provide a fairly lucrative source of revenue. Luxuries were once considered harmful and taxes were imposed on them to discourage their consumption. Though few people still have this philosophy, luxury taxes are still imposed on the theory that those who buy luxuries can afford the additional tax.

Tax Rates and Productivity. Collections from all excises in Oregon* have had a steady upward trend—more than 200 percent increase from 1950 to 1969. The bulk of consumption collections are derived from the sale of motor fuels.

Total excise tax revenues as a percent of total state-level tax revenues showed a downward trend from 1950 through 1966. However,



*Beer, wine, cigarettes, gasoline, motor vehicle licenses.

cigarette tax collections pushed the ratio up in 1967 to 24.1 percent. The ratios remained approximately the same in 1968 and 1969. This seems to suggest that excise collections are inelastic with respect to GNP (i.e., they increase or decrease at a slower rate than the GNP).

OREGON'S INSURANCE INDUSTRY TAX

Many economists view Oregon's insurance tax as progressive, though only slightly so. In 1969, Oregon had a total of 815 carriers writing \$669 million of insurance on Oregon risks. Over 95 percent of these carriers were classified as foreign and they accounted for almost 80 percent of the total writings. Looked at differently, 20 percent of Oregon's business was written by 34 domestic firms (which do not pay a tax on premiums) made up of 15 health service contractors, 11 fire and casualty companies, and 8 life companies. Twelve leading concerns have roughly one-third of the Oregon insurance market and five of these are domestic companies.

Tax Rate and Base. Oregon applies a flat rate of 2.25 percent to a base consisting of gross premium receipts from the writing of Oregon risks. The base used excludes a second primary source of insurance company income—investment activities. In addition, taxable premium receipts are reduced by reinsurance contracts with other concerns, returns to policyholders in the form of dividends, refunds for unused insurance, et al. Significantly, the rate of 2.25 percent is supplemented by a three-fourths percent special State Fire Marshal's tax on all fire insurance written.

(1) Exemptions. Various insurer and insurer-like organizations are accorded statutory exemption from the gross premium tax:

- (a) All Oregon-chartered insurance firms. (They are subject to the corporate excise tax and, in the case of fire insurers, domestics are required to pay the Fire Marshal's tax.)
- (b) Health service contractors. (Northwest Hospital Service—Blue Cross, Oregon Physicians Service, Oregon Dental Service, Kaiser Foundation Health Plan, and various service groups operating in a similar fashion.)
- (c) Self-insurers. (Fraternal and certain non-profit organizations; e.g., State Accident Fund, Teachers Insurance and Annuity Association.)

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Tax exemption is also extended to certain types of insurance contracts. Life insurers, for instance, are not required to pay a premium tax upon their receipts from the writing of fixed or variable annuities. As another example, workmen's compensation carriers are allowed a premium tax credit for the annual assessments (currently five and two-thirds percent of premiums) paid to the state for a special administrative fund. Finally, marine writings are exempt from the premium tax because such insurance is subjected to a special five percent net underwriting income levy.

Retaliation. A provision called the "retaliatory" clause is included in the Oregon statutes. This clause, common to all but a very few states, requires Oregon's Insurance Commissioner to levy equivalently higher fees and taxes upon a foreign or alien insurer when the domicile state of that insurer charges its nondomestics more than Oregon charges its nondomestics. As an example of how this works, an Idaho domestic life insurer must annually remit to the State of Oregon an extra three-fourths percent on its Oregon business, because Idaho's rate is three percent on foreign (out-of-state) companies and Oregon's rate on its foreign companies is only two and one-fourth percent. The object of retaliation is to place a damper upon state legislative efforts to raise the charges on out-of-state insurance companies.

Tax Productivity. In calendar 1969, the insurance industry's payment to the State of Oregon totaled \$10 million and accounted for almost 2.8 percent of our total state tax collections. Of this sum, 95 percent represented receipts from the gross premium tax and the remaining five percent came from a fee charged to companies and their agents. All such taxes and fees are administered and collected by the state's insurance commissioner, and collections become part of the General Fund. Like the vast majority of the states, statutory law provides for state preemption of this tax; local governments are denied the use of any levies—other than property taxes—upon this industry.

When measured as percent of total state revenues, Oregon's reliance on the gross premium tax is relatively heavy among the western states. However, when the premium

levy receipts are compared to premium volume, Oregon collects a lower percent than any of the 11 western states.

This is because Oregon is the only western state that grants tax exemption to domestic companies. As a result, it is estimated that over \$140 million in premiums to these companies remains virtually untaxed.** Only two other western states (Arizona and Washington) grant explicit tax rate relief to such firms and, in both states, the domestic is at least charged one-half of the rate applicable to the out-of-state firm. Other states extend a sizable degree of premium tax relief to domestic carriers through other special features: a premium tax credit for property tax payments, credit for certain types of property tax payments, rate reductions for designated proportions (ranging from 25 to 50 percent) of insurance company assets invested in local securities or property.

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FIRST PACIFIC COAST TAXES WERE LEVIED IN OREGON*

While it is hard to imagine government without taxes, that is exactly what Oregon had at the start of provisional government. The first revenues to help pay the salaries of the provisional legislators were raised, not from taxes, because, as Leslie Scott later wrote, taxes were a "most tender subject of policy," but instead, the hat was passed—voluntary contributions were solicited.

First year returns (1843) amounted to a total of \$81.50, which probably accounts for the abandonment of the plan the following year. In 1844, the very first American taxes on the Pacific Coast were levied in Oregon. Yet, the new plan hardly merits being described as a tax (which Webster says is a "forced contribution of wealth to meet the public needs of a government") because it was on a voluntary basis with no force involved.

The first "tax" law enacted June 25, 1844, called for a one-eighth of one percent of ad valorem tax on "all merchandise brought into this country for sale, improvements on town lots, mills, pleasure carriages, clocks, watches, horses, mules, cattle, and hogs." Thus, Oregon's first property tax was neither a general property tax nor a real property tax, but a tax on a series of selected personal property classes. In the assess-

ment roll of that year, totaling \$218,004, the largest single item of assessment was cattle, carrying a value of \$101,208—almost half of the assessment roll. Farm land, which was estimated to be probably twice the value of all other property combined, was not taxed, reportedly as a result of the delicate balance between the opposing factions in these formative years. Total tax assessments for the year 1844 amounted to \$455.93, including the 50 cents poll tax.

Oregon's first tax collector was colorful Joe Meek, whose report of his collection problems for the year 1844 makes interesting reading. He said, "... the unsettled state of the public mind relative to the subject of taxation ... caused me to call upon them several times." His tax roll carried varied notations, including designations of "very poor," "very old," "dead," and "will not pay."

Voluntary ad valorem taxes were as short lived as voluntary contributions, being revised the following year, 1845, when the Legislative Assembly added an enforcement clause to the previous law. In addition to doubling the rate to one-fourth of one percent on the value of assessable property, and adding various license fees, it appended the provision that "any person refusing to



pay a tax as in this act required shall have no benefit of the laws of Oregon and shall be disqualified from voting at any election ...," thus making the tax law mandatory. From all evidence this method was an effective way to remind settlers that their claims could be jumped, and an individual without recourse to law could not, alone, defend his property rights.

*Oregon's Tax Structure. Oregon State Tax Commission Bulletin, May-June, 1958.

**Domestic insurance companies have been subject to the corporate excise tax since 1971.

tax glossary

ADJUSTED GROSS INCOME. Gross income after deducting necessary business expenses.

AD VALOREM TAX. According to value—generally applies to property tax, and in some states, to motor vehicles.

ASSESSMENT. The valuation assigned to property for taxing purposes.

AVOIDANCE OF TAXES. Legally escape from paying taxes by taking advantage of loopholes (as opposed to "evasion").

BROAD-BASED TAX. A tax which is paid by the vast majority of the population.

CAPITAL ASSET. Property such as land, buildings, stocks and bonds, not used in business or trade. Does not include account receivable or business inventories.

CAPITAL GAIN. Amount of profit realized from sale or exchange of a capital asset.

CAPITAL LOSS. Amount of loss incurred by the sale or exchange of a capital asset.

COMMUNITY PROPERTY PRINCIPLE. The principle that husband and wife have an equal interest in the property accumulated by them, as long as they remain married. In the states where this principle governs, it is permissible for husband and wife to divide equally the total of their joint income for tax purposes. (Not used in Oregon.)

CONSUMPTION TAX. A levy on commodities and transactions whose end payment falls on the consumer in the price paid for goods and services.

CORPORATION. An association of stockholders created under law and regarded as one body by courts. Chief characteristics are: (1) limited liability of stockholders, (2) continuity in existence, and (3) easy transfer of ownership interests.

CORPORATION INCOME TAX. A tax levied upon the net earnings of corporations.

CREDIT. An allowance for a dependent, or for a handicap (specified by law) such as blindness. Such credit applies as a personal deduction toward determining taxable income.

DEPRECIATION. A decrease in value because of wear through use, action of the elements, inadequacy, accident, or obsolescence.

DEPRESSION. A period of low business activity when prices are low, purchasing power is sharply curtailed, and unemployment is high.

DIRECT TAX. A tax which cannot be easily shifted or passed on to some other person by the person on whom it is levied. It is often difficult to determine when a tax is direct. For example, a tax on a business may be shifted to the consumer or passed on to employees through lower wages. Fair examples of direct taxes are personal income, inheritance, and poll taxes.

DISCRIMINATORY TAXATION. A tax or taxes which appear to favor one class of taxpayer over another. Validity of preference is frequently a controversial matter. For example: the cigarette smoker may regard a cigarette tax as discriminatory; a nonsmoker might consider it a luxury tax.

DISPOSABLE INCOME. The income remaining after deducting personal taxes and all other payments to governments.

DOUBLE TAXATION. The levy and collection within one fiscal period of two taxes, both calculated on the same tax base. Double taxation may occur because two tax jurisdictions assess the same tax base (such as federal and state taxes imposed upon incomes); or when the same tax jurisdiction assesses the same tax base twice (such as federal income taxes levied upon corporation profits, once when earned by the corporation, and again when received by the stockholders in the form of dividends).

EARMARKED TAX. A tax which is designated by law to be used for a specific purpose.

EQUALIZATION OF ASSESSMENTS. A program to assure that all real property in the state is assessed at the same percent of true cash value.

ESTATE TAX. A tax, usually progressive in character, levied upon the gross estate of a deceased person before the estate is divided. (Not to be confused with an inheritance tax.)

EVASION OF TAXES. To avoid taxes by deception (as opposed to "avoidance").

EXCESS PROFITS TAX. A tax designated to reduce the profits made by abnormal consumer demands, particularly in wartime.

EXCISE TAX. A levy upon some phase of production and distribution of goods and services.

EXEMPTION. Legal freedom from obligation to pay taxes.

FEES. Payments by an individual or business for a particular government privilege or service.

FISCAL POLICY. The policy pursued by government in connection with legislation or administrative practices relating to taxation, the public debt, public appropriations and expenditures, government funds, and similar matters; particularly the intended effect of related legislation and administrative practices upon private business and the economy of the state (or nation).

FISCAL YEAR. Any twelve months used as an accounting period. It may or may not correspond with the calendar year. In Oregon, a fiscal year begins on July first of a given year and ends on June 30 of the following year.

FLAT RATE TAX. A tax, the rate of which remains the same as the base increases.

FRANCHISE TAX. A tax levied on some special privilege extended by the government to a private enterprise.

GASOLINE TAX. An excise tax on the sale of gasoline.

GENERAL REVENUE FUND. The fund to which all general purpose taxes are credited. This money is spent by legislature appropriation.

GRADUATED TAX. A tax whose rate increases as the base increases. In Oregon, single taxpayers pay from four percent of taxable income under \$500, to ten percent of taxable income over \$5,000. Those filing joint returns pay from four percent of taxable income under \$1,000 to ten percent of taxable income over \$10,000.

GROSS INCOME. Total receipts or earnings before the deduction of expenses or allowances.

GROSS NATIONAL PRODUCT (GNP). The total national output of goods and services at market prices.

GROSS PREMIUMS TAX. A tax on the total premiums collected by an insurance company.

GROSS RECEIPTS TAX. A tax on the total receipts of an enterprise from the sale of goods and services.

HIDDEN TAX. A tax of an indirect nature which is incorporated in the price of goods and services and is there-

*From the Oregon Department of Revenue *Oregon Tax Structure Primer*.

fore not apparent as such when paid. For example customs duties may increase the prices of imported products without the consumer knowing how much of the price is due to payment of duties.

INCOME TAX. A tax on personal or corporate income. (In excess of specified amounts and less certain deductions permitted by law.)

INFLATION. An increase in the general price level, which occurs when the quantity of money in circulation is large compared with the quantity of goods and services offered.

INHERITANCE TAX. A tax, usually progressive in nature, levied upon the property which individual beneficiaries receive from an estate of a deceased person. (Not to be confused with the estate tax.)

INTANGIBLE PROPERTY. Non-material assets such as bank deposits, stocks, claim against a debtor, or the good will of a business; properties which cannot be readily appraised.

JOINT RETURN. A combined report of the incomes of husband and wife permitted by the income tax regulations of the U.S. and certain of the states.

LICENSE TAX. A fee for a privilege.

LUXURY TAX. A tax imposed upon articles not considered essential to a normal standard of living, and usually high in price.

MARKET VALUE. That value placed on property by a willing seller and a willing buyer.

MILL. A thousandth part of a dollar; one-tenth of a cent.

MILLAGE. A rate computed by dividing the total assessed value of taxable property into the amount to be raised by the property tax. An obsolete term. Rates are now expressed in dollars per thousand of taxable property value.

MOTOR VEHICLE TAX. A fee paid to the state by the owners of passenger cars and trucks.

NET INCOME. Whatever remains from earnings and profits after all costs, expenses, and allowances for depreciation and probable losses have been deducted.

OFFSET. Utilization of a portion of the revenue from one tax (i.e., income tax) to make unnecessary the collection of the same amount of revenue from another tax (i.e., property tax).

PAYROLL TAX FOR UNEMPLOYMENT COMPENSATION. In Oregon, employers of one or more persons during any calendar quarter (or during one day of any 20 weeks of a calendar year), in which the payroll amounts to \$225 or more are subject to the tax. Exemptions include agricultural labor and casual labor that does not promote or advance an employer's trade or business. The standard tax rate is 2.7 percent of taxable wages, but an experience-rating plan provides qualified employers with rates as low as .8 percent. The tax is computed on the first \$4,200 of wages earned by each worker and is borne entirely by the employer. It is administered by the State Employment Division.

POLL TAX. This tax is levied at a certain amount per person and is sometimes called a "head tax." It is sometimes made a prerequisite for voting and obtaining licenses for various privileges. A constitutional provision prohibits the use of the poll tax in Oregon.

PROGRESSIVE TAXATION. A tax system in which the rates increase as the base amount taxed increases. Progressive taxes are intended to require a relatively larger payment from those considered to have a greater ability to pay, by taking a larger percent of their incomes.

PROPERTY TAX. A tax levied on the assessed value of real and personal property.

PROPORTIONAL TAXATION. Taxation system which uses the same rate regardless of the base amount taxed. A state personal income tax with a flat rate would be a proportional tax.

REGRESSIVE TAXATION. A tax system, the rates of which decrease as the base amount taxed increases. This term is also used, by those who subscribe wholly to the ability-to-pay principle, to describe a tax in which a taxpayer in lower brackets would pay a greater percentage of income than those in higher brackets.

REAL PROPERTY. Land and permanent improvements such as buildings.

RETAIL SALES TAX. A tax levied on the sale of goods or services at one or more stages in the process of distribution.

SELECTIVE SALES TAX. A sales tax which applies a specified rate to particular commodities or services. A gasoline or cigarette tax would be selective sales taxes.

SEVERANCE TAX. A tax levied on natural resources removed from land or water (timber, minerals, fish, oil).

SURTAX. An additional tax on the same tax base after one tax has already been applied.

TANGIBLE PROPERTY. Material assets, which can be accurately appraised such as household goods, business equipment, boats, and animals.

TAX. A compulsory charge on persons, income, consumption, property, or services imposed by the government to raise revenue.

TAX BASE. The value or unit to which the tax rate is applied to determine the tax due. In Oregon, the term "tax base" is also used in a different way. See page 147.

TAX IMPACT. Impact of a tax is the point where the tax is imposed by law. The impact of the personal income tax is on the individual who pays it. The impact of the corporation income tax is on the corporation. The impact of the retailer's excise tax is on the retailer even though he invariably shifts the tax to the consumer.

TAX RATE. The ratio of a tax levy in dollars to a base such as taxable value, taxable income, consumer expenditures, etc.

TRANSFER PAYMENTS. Payments by both government and business to persons for which no services have been rendered. Such payments are, however, income to persons in receipt of them, just as wages, salaries, or other income. Examples of transfer payments by the federal government are social security, veterans' payments, government and railroad retirement payments, etc. Examples at state and local levels are public assistance programs.

TRUE CASH VALUE (TCV). Market value as of January 1 of assessment year.

USE TAX. A tax levied on the use of particular articles. It is frequently levied to prevent avoidance of sales tax by purchasing the taxed items in another state.

WITHHOLDING TAX. An estimate is made of income tax liability and the employer is required by law to withhold the required amount from the paycheck of his employees each pay day. Self-employed people are required to estimate their income and to pay their tax at specified times during the year.

lines of inquiry

No more perplexing problem exists for local government than the evident bankruptcy of the policy of continued reliance on property taxes as the almost exclusive source of tax revenue for local governments.

While revenue alternatives will be explored later, this section provides the necessary background information on this controversial tax.

action ideas

supporting information

property

For most of the country's history property taxes have been the most important source of revenue for state and local governments. In recent years, however, state governments have found other sources of tax revenue and property taxes have become almost the exclusive source of tax revenue for local governments. Census information indicates that there is a greater reliance on the property tax in Oregon than in most other states. It provides almost 54 percent of local government revenue.

Throughout the early history of the United States the property tax was levied on ownership of all types of property (real, personal tangible, and personal intangible property). But today the property tax is largely levied against real property.

(1) Real property consists of things which have value and are not movable, such as land and buildings--residential, business, and farm.

(2) Personal tangible property consists of things which have value and are movable, such as furniture, automobiles, jewelry, livestock, machinery, office furniture.

(3) Personal intangible property consists of such valuables as mortgages, bonds, stocks, and bank deposits.

Resources

"Oregon's Property Tax Administration: A Brief Review of Statutory Provisions." Oregon Department of Revenue, State Capitol, Salem, Oregon 97310. July 1969. (Mimeo.)

Local Government Finance. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon. January 1971.

Lindholm, Richard W. "Primary and Secondary Education and the Property Tax." College of Business Administration, University of Oregon, Eugene, Oregon. 1969. (Mimeo.)

Cantor, Arnold. "State and Local Taxes: The Case for Reform." *American Federationist*. December 1968. AFL-CIO Building, 815 16th Street N.W., Washington, D.C. 20006.

Property Tax Law Abstracts: Laws and Regulations Relating to Assessment and Taxation. Department of Revenue, State Capitol, Salem, Oregon 97310. 1969.

Annual Cycle of the Property Tax Dollar in Oregon. Film: 15 minutes, kinescope, grades 10-12. Illustrates the work of a county assessor. *\$2.25. 1960.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

as a taxable resource

As a general rule, tangible personal property is hard to locate and assess and intangible property is even more elusive. Real property, which is easier to discover and assess, has become the major basis for the property tax.

The major advantage of the property tax is that it is a unique device whereby local districts can budget a specific amount to be raised and can very precisely raise that amount. There is no other tax structure under which this can be done.

Another advantage of the property tax for local governments has been that it is an autonomous source of tax revenue which is not used by the federal and state governments. If local governments did not have the tax, they would have to turn to other sources of tax revenue, such as sales tax, which could be more regressive.

A third advantage of the property tax as a source of revenue for local governments is that a portion of the tax can be justified in terms of direct benefits received by property owners—sidewalk and street improvements, sewage, etc. However, a large proportion of the revenue is spent on education, from which it is hard to identify direct benefit to property owners.

General, nationwide criticisms of the property tax are that:

- (1) It is not based on ability to pay in terms of net worth of the individuals taxed.
- (2) It puts more of the burden of government on those persons who hold their wealth in the form of real property rather than in forms of tangible or intangible personal property.
- (3) It is very difficult to administer and sometimes poorly administered at the local level.

OREGON'S 1971 CIRCUIT BREAKER LEGISLATION

In 1971, Oregon joined a unique group of five other states—Minnesota, Wisconsin, California,

Vermont, and Kansas—which have enacted "circuit breaker laws." Oregon is the sixth state to provide residential property tax relief based on household income.*

In certain aspects, the 1971 law is a historic piece of tax legislation in this country because Oregon is the first state to enact a broad-based residential property tax relief program that is not restricted by an age test. All the other states have restricted their circuit breakers to senior citizens. Although Oregon's law will emphasize relief to senior citizens, it theoretically could provide property tax relief to every Oregon homeowner.

The new law provides property tax relief in an amount by which property taxes on an owner-occupied homestead exceed a percentage of the household income, and the relief cannot exceed a certain dollar limitation. Following is the schedule.

On any amount of household income exceeding	But not exceeding	Rate used to find minimum liability	Maximum dollars of relief allowed
\$ 0	\$1,500	3%	\$400
1,500	3,000	4%	400
3,000	4,500	5%	300
4,500	6,000	6%	300
6,000	8,000	7%	200
8,000		7%	100

Thus, a person with a \$3,000 household income living in a \$10,000 homestead in a tax code area with a levy of \$30 per \$1,000 of true cash value would pay only \$105 in property taxes, receiving \$195 in property tax relief. The state will reimburse the remainder of the \$195. This particular homeowner will receive a 66 percent property tax reduction. As his income and property tax change, so will his reduction.

Around 171,000 owner-occupied homes will receive relief during the 1971-72 property tax year. Over 85 percent of all the senior citizens

*Several states with the property tax circuit breaker benefit renters as well as those who live in their own homes. Oregon's law does not grant relief to renters.

Resources

A printed summary of property assessment and taxes for each county can be obtained from the County Assessor each November.

Buehler, Alfred G., et. al. *The Property Tax: Problems and Potentials*. Tax Institute of America, Princeton, New Jersey, 1967.

Lindholm, Richard W. *Property Taxation U.S.A.* The University of Wisconsin Press, Madison, Wisconsin, 1967.

Netzer, Dick. *Economics of the Property Tax*. The Brookings Institution, Washington, D.C. 1966.

living in a homestead will receive property tax relief.

The program will also provide supplemental benefits to some war veterans covered under the veterans' exemption laws. War veterans who qualify will be able to receive property tax relief under the new law that will be in addition to their present \$7,500 exemption.

Because the program is intended to relieve the burden of low-income homeowners, only about one-third of Oregon's homes will realize property tax relief in the 1971-72 fiscal year. All other homeowners will pay 90 cents more per \$1,000 of valuation because the "Property Tax Relief Fund" that allowed this 90 cent reduction will now be used to finance the circuit breaker program.

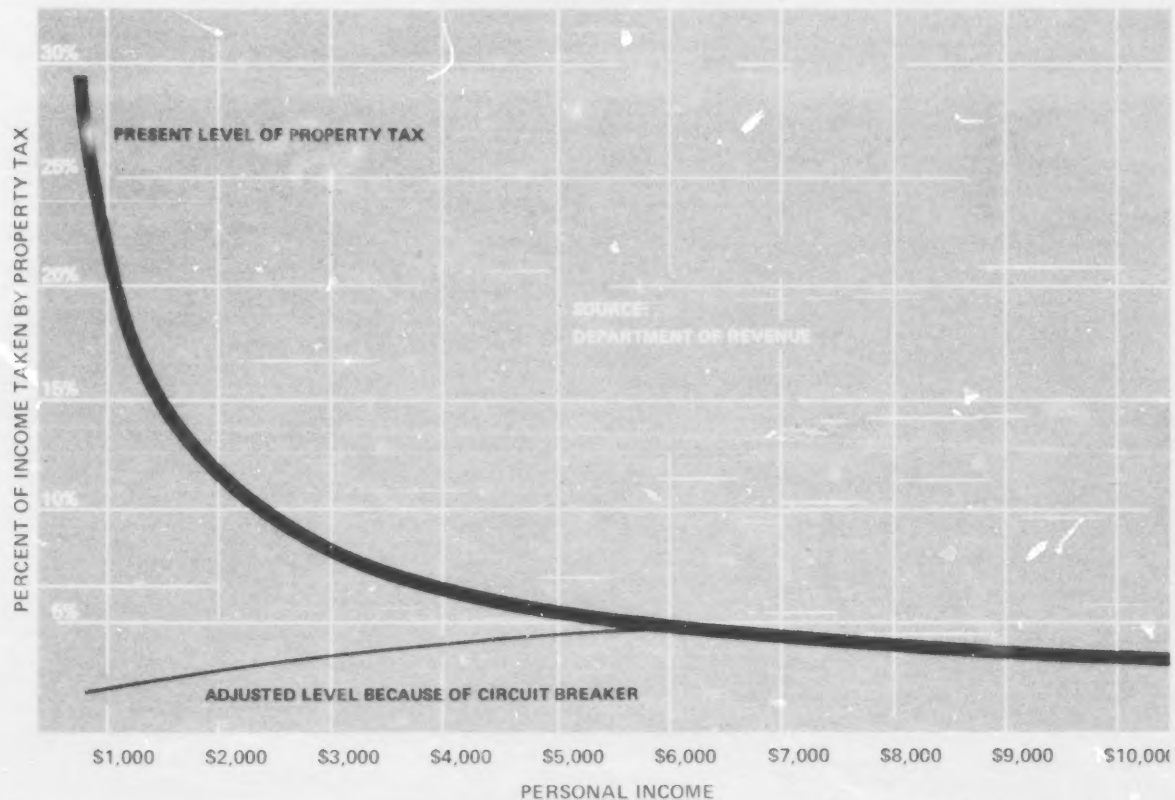
It should also be noted that the circuit breaker does not apply to aged or low-income renters.

OREGON'S DEFINITION OF TAXABLE PROPERTY

Oregon's definition of taxable property is similar to that of most other states—real, tangible personal, and public utility property is subject to "ad valorem" taxation (taxation on monetary value).

In 1969, real property (and plus the improvements thereon) constituted about 76 percent of Oregon's taxable property; personal property (principally machinery, equipment, inventories, livestock), 12.6 percent; public utility prop-

REGRESSIVITY OF OREGON PROPERTY TAX AS ADJUSTED BY THE NEW CIRCUIT BREAKER



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erty (principally electric power, telephone, and railroads), 11.4 percent. These percentages vary considerably from biennium to biennium.

The relative value of various types of property within each of these major categories varies substantially. For example, improvements (buildings of all sorts) inside corporate limits make up over one-third of Oregon's total assessed real property and over one-fourth of the state's assessed value. Merchandise, stocks, and other business inventories constituted slightly more than 50 percent of total personal property, and property owned by Oregon's electric power and telephone companies comprised almost 70 percent of total public utility property.

The taxable property in local taxing districts changes in a variety of ways:

- (1) Legislation may add or remove certain property from the definition of taxable property.
- (2) Boundaries of taxing units may be changed.

(3) Property values may increase when improvements on land and structures are made or when the market value changes.

Table 3 shows the components of Oregon's taxable property tax base and the percentage each classification is of the total. (See page 133.)

Property Exempt from Taxation. Property exemptions remove from Oregon's tax rolls about \$17 billion in true cash value (market value) in 1970. Of this about half is property owned by federal, state, and local governments. Of the private property which is exempt, by far the largest amount is represented by intangibles, with vehicles ranking second. Household goods and personal effects rank third. (See Table 4, page 135.)

Major exemptions include: (1) all property owned by public agencies, including federal, state, and local governments; and (2) personal property—intangibles (stocks and bonds), house-

hold goods and personal effects, and automobiles.

Other exemptions have become controversial. The discussion of these exemptions, which follows, is largely based on studies by Oregon's League of Women Voters.

 Veterans' Homesteads. An exemption of \$7,500 of true cash value on their homesteads and personal property is given to four classes of war veterans in Oregon:

- (a) All veterans of wars prior to World War I who were honorably discharged
- (b) Veterans who are 40 percent or more disabled, as certified by the Veterans Administration or the armed services
- (c) Veterans who are 40 percent or more disabled, as certified by a licensed physician and a county health officer, and whose income does not exceed \$2,500 a year
- (d) Any unmarried widow of a war veteran.

Recipients must make annual application for such exemptions and certificates of disability must be renewed every three years up to age 65.

As the law is written, it permits some abuses:

- (a) Interpretations of the 40 percent disability requirement are sometimes very loose.
- (b) A veteran with a 40 percent disability who has a more than adequate income and who is financially able

Resources

Tax Institute of America, in Princeton, New Jersey, publishes on special subjects in taxation. Write them for a list of such subjects.

Summary of Tax Exempt Properties in the State of Oregon by Counties. Oregon State Department of Revenue, Salem, Oregon, 1954. (Published until 1954, but not since that date.)

Macy, C. Ward. "Property Tax Limitations Re-Examined." *Special Bulletin.* Oregon School Study Council, 1962.

TABLE 3
SUMMARY OF ASSESSMENT ROLLS BY TYPE OF PROPERTY
1970-71

	1970-71 (Thousands)	% of Total
Real Property (Locally Assessed)		
Lands Inside Corporate Limits	\$ 1,982,561	10.55
Lands Outside Corporate Limits	2,926,702	15.58
Improvements Inside Corporate Limits	5,252,482	27.95
Improvements Outside Corporate Limits	4,018,080	21.39
Timber (Excludes Land)	654,998	3.48
Less:		
Veterans' Exemptions	(177,341)	(.94)
Senior Citizens Residence Exemption	104,632	(.56)
Total Real Property	14,552,849	77.45
Personal Property (Locally Assessed)		
Merchandise and Stock in Trade*	1,204,361	6.40
Furniture, Fixtures, and Equipment	259,900	1.38
Farm Machinery and Equipment	152,161	.81
Other Machinery and Equipment	522,247	2.78
Livestock*	152,569	.81
Miscellaneous	38,986	.20
Less:		
Veterans' Exemptions	(645)	—
Senior Citizens Residence Exemption	(1,122)	—
Total Personal Property	2,328,459	12.38
Total Real and Personal Property	16,881,308	—
Utilities (Centrally Assessed)		
Airline Companies	36,036	.19
Electric Companies	844,571	4.50
Express Companies	200	—
Gas Companies	242,598	1.29
Heating Companies	1,937	—
Pipeline Companies	12,681	.07
Railroad Companies	243,214	1.29
Tank and Private Car Companies	16,061	.09
Telegraph Companies	4,520	.02
Telephone Companies	482,750	2.57
Water Companies	17,404	.09
Water Transportation Companies	11,405	.06
Total Utilities	1,913,376	10.17
Total		
Unallocated Private Car Companies	2,621	—
Grand Total	18,797,305	100.0

*Beginning with the 1969-70 Assessment roll, there is exempt from taxation a percentage of taxpayers' inventory value, which shall be completely phased out by 1980. "Inventory" means all livestock, and items of tangible personal property held for sale in the ordinary course of his business. The percentage reduction for the 1969-70 fiscal year was 5 percent and for the 1970-71 fiscal year was 10 percent. These reductions are reflected in the above figures.

SOURCE: Department of Revenue

to pay a property tax can still qualify for the exemption on the first \$7,500 true cash value of his property.

(c) Exemption is given to any war veterans' widow with no limits or requirements regarding income or estate values. Any widow of a veteran* can apply for this exemption (\$7,500 of the true cash value of the homestead) prior

to remarriage. Thus a widow could have property worth \$90,000. If the bulk of this property were leased and the lessee paid taxes on the leased property, she could have a monthly income of any amount and still be eligible for the exemption.

(d) A partially disabled veteran becomes, at 65, 100 percent disabled. If, in any one year, such a veteran's income drops below \$4,200, he can apply for benefits and automatically become certified for homestead exemption for life, regardless of income. As the number of veterans and widows from the two world wars, Korea and Viet Nam increases, the result will be a shift of taxes from these properties to others. For example, from 1960 to 1965 the estimated loss of true cash value increased from \$92 million to over \$150 million.



Senior Citizens' Homesteads and Deferral. Until 1971, Oregon provided property tax relief to individuals 65 years of age and over with an annual household income of \$3,000 or less. As the law was written, a recipient could have valuable nonincome-producing property and still qualify for the exemption as long as his actual household income did not exceed \$3,000. Many, therefore, who did not need this exemption, were able to use it.

The \$3,000 limit worked a hardship on those whose incomes are just above it. For example, a couple with an income of \$3,030 might pay a property tax of \$50. Thus their net income would be \$2,980, or less than that of the couple which qualified for the exemption.

One of the effects of Oregon's new circuit breaker law will be to prevent this kind of distorted impact upon persons with low incomes.

The 1971 Legislative Assembly modified provisions for low-income property tax relief, placing a minimum tax on each owner-occupied

*In addition, unmarried widows of veterans of the Civil or Spanish War are given an additional \$2,000 assessed value exemption.

lines of inquiry

As teachers and students consider Oregon's property tax exemptions, it is important to understand that property removed from the tax rolls does not decrease the total amount of revenue available for government services, except in an indirect way. Rather, it shifts the burden of paying for services. In other words, it increases the tax rates of the owners of taxable property.

action ideas

Survey of Tax-Exempt Properties. Students might:

- (1) Make a survey of the tax-exempt properties in your community.
- (2) Try to compare the value of this property with the value of taxable property.
- (3) Try to figure out what effect adding this property to the tax rolls would have on tax rates. How might additional revenue be generated as a result of removing exemptions?
- (4) Write justifications for or arguments against the exemptions.

Problem Solving. Problems such as the following might give students new insights into the theory and practice of tax exemptions.

Assume that the class has decided to contribute to a family in special poverty circumstances and that each member should give \$1 to the fund. On polling the class, however, it is discovered that one person already gives \$1 to Boys' Camp, three share their homes with foreign students, and one gives \$5 to the Salvation Army. Therefore the class must decide:

- (1) Should the rules be adjusted to limit collections and exclude these persons? Why?
- (2) Should 100 percent participation be required? Why?

Exemptions of religious and fraternal organizations, and cemetery property are similar to the special cases described in the above problem.

Resources

Nenneman, Richard A. "How Much More Can Property Tax Take?" *The Christian Science Monitor*, April 2, 1970, No. 6 of a series entitled, "Are You Taxed Fairly," a probing analyses of the tax dilemma faced by all state and local governments, and described in the line of inquiry suggested on page 128 of this handbook.

supporting information

low-income home based upon the income of the household and providing upper limits of property tax relief. It is estimated that this program will affect 170,000 owner-occupied homes and supplants the 1963 Senior Citizen Law. Those over 81 still get additional relief, however.

Under provisions for the deferral of tax on homesteads, an individual of 65 years or more who owns or is purchasing his home may elect to defer taxes during his lifetime if (a) the mortgage holder permits it, (b) the property is not income-producing, and (c) no taxes are due on it. Under these conditions, property can be carried on a separate roll with interest accruing at six percent a year. When the taxpayer dies and his survivor dies, the total amount is a lien on the property.

 **Literary and Benevolent Organizations and Institutions.** Oregon exempts the buildings and personal property, and parking lots of lodges and fraternal organizations. However, taxes must be paid on any property which is rented or leased for a profit by such organizations.

Oregon law requires that to qualify as a fraternal order an organization:

- (a) Must be a nonprofit corporation.
- (b) May not be purely social, but must be established under the lodge system with "ritualistic form of work" and a representative form of government.

TABLE 4
ESTIMATED VALUE OF
PROPERTIES EXEMPT FROM AD VALOREM TAXATION
February, 1971

(In thousands)

Public Property	
Federal ²	\$ 5,175,920
State ²	1,289,310
Local ²	<u>1,796,765</u>
Subtotal	\$ 8,261,995
Privately Owned Property	
Household Goods and Personal Effects ³	\$ 1,050,000
Banks and Financial Institutions (Personal Property) ³	3,000
Intangibles (Bank Deposits, Bonds, Stocks, etc.) ³	4,600,900
Libraries ²	6,386
Literary and Benevolent Organizations and Institutions ²	224,197
Religious Organizations ²	259,632
Cemetery Organizations ²	19,741
Nonprofit Mutual and Cooperative Utilities	*
Student Housing Operated by the State Board of Higher Education	*
Mining Claims	*
Radiation Fall-Out Shelters	*
Property of Indians Residing on Indian Reservations	*
Inventory and Livestock ¹	155,000+
Crops, Orchards, and Shrubs ³	65,000
Farm Produce Cancellation (Processor's Law) ¹	108,809
In-Transit Merchandise (Freeport Law) ¹	74,301
Manufacturing and Commercial Facilities Under Construction ¹	39,313
Vehicles (Aircraft, Autos, etc.) ³	1,430,000
Vehicles and Trailers in Inventory ¹	73,968
Boats Held for Sale or Exchange	*
Certain Watercraft, Pleasure Boats, and Inventory of Shipyards and Ship Repair Facilities	*
Veterans' Homesteads ¹	169,124
Senior Citizens' Homesteads ¹	105,146
Zoned Farmlands (1967) ³	4,000
Nonzoned Farmlands (Deferral) ¹	444,626
Western Oregon Timber (Reproduction) ³	106,000
Eastern Oregon Timber ³	<u>150,000</u>
Subtotal	\$ 9,088,243
Total	<u>\$17,350,238</u>

¹Values are obtained directly from assessment data.

²Values estimated by county assessor.

³Values estimated by Research-Information Section of the Department of Revenue, State of Oregon.

*Valuations are not available.

NOTE: True cash value of property subject to ad valorem taxation in 1970 was \$18,800,160,765. Owners of some types of exempt properties listed above (e.g., Motor Vehicles and Eastern Oregon Timber) pay substantial in-lieu-of taxes.

Source: Department of Revenue

lines of inquiry

A perennial problem for Oregon voters and their representatives in the legislative assembly is the question of tax concessions to encourage economic development. Students should be aware of the most common proposals for creating a favorable tax climate for business, and they should have an opportunity to study opposing points of view.

action ideas

Exploring Issues. Invite your local assessor or a representative of the Oregon Department of Revenue to discuss Oregon's tax exemption policies, probable future trends, and their implications for individual taxpayers as well as for economic development.

Students might speculate on what kind of industries the following tax policies and proposals would attract:

- (1) No personal tax on capital gains if an asset is held longer than one year.
- (2) No tax on manufacturers' inventories.
- (3) No property tax on industrial buildings during the period of construction.
- (4) A reasonable inheritance tax.
- (5) A statewide property reappraisal program.
- (6) A statewide uniform assessment ratio.
- (7) Responsible restrictions on voting local excess levies and bond issues.

supporting information

(c) Must give financial support to some charitable or benevolent activity which benefits other than its own members.

(d) Must not distribute any of its income to its members or pay officers or directors excessive stipends.

(e) Must not be a college fraternity or sorority.

Thus eligible organizations include such groups as the Knights of Columbus, Elks, Eagles, Masons, Phythians, Grange, Veterans of Foreign Wars, American Legion, Moose, and Odd Fellows.

Bills offered and defeated in several sessions of the legislature would have exempted the property of lodges and fraternal organizations only to the extent of their charitable contributions. Others would have removed exemptions entirely for those organizations with discriminatory membership qualifications, pointing out that a good approach would be to charge for government services received.

Real and personal property of incorporated literary, benevolent, charitable, and scientific societies is exempted from ad valorem taxation. This includes parking lots for the sole use of members.

Among these exempted societies are the YMCA, YWCA, Campfire Girls, Boy Scouts, cancer and tuberculosis associations, most general hospitals, etc. The list is long. Most of these societies rent space in an office building

and their personal property amounts to a few desks, typewriters, and duplicating machines.

 **Burial Grounds.** Oregon exempts all burial grounds, tombs, and other properties of a cemetery association and up to 30 acres of crematory property. The Oregon Cemetery Association explains this exemption is the result of: (a) "public feeling that burial grounds are to be respected and that exhumation of human remains for failure to pay taxes on the burial lot would be unacceptable to the community; (b) difficulties of assessing real property of a cemetery which has a part or all of its plotted grave spaces sold or occupied. Trust funds established for maintenance of graves might find it difficult to pay taxes."*

A suggested alternative to the present exemption: "Plots owned by the cemetery or to which it retains title might be taxed. Plots sold to private persons might be exempted because of administrative difficulties. Because all property must be found and valued whether taxes are levied or not, this would entail no extra work" for the assessor.*

 **Church Properties.** Oregon law exempts from ad valorem taxation all houses of public worship and other additional buildings used solely for entertainments and recreational purposes by religious organizations, the lots on which they are situated, and the pews and furniture. Parking lots are included but a parish house that is not used for Sunday school or counseling is not exempt.

Justification for this exemption takes two forms:**

(a) A representative of the Archdiocese of Oregon of the Roman Catholic Church testified that if the exemption were removed, his church would have less money to devote to educational and charitable services and the taxpayer would then have to bear a larger burden for social services.

(b) The Oregon Council of Churches based its claim for exemption on concern for the "free exercise of religion." The statement of the council is, "Insofar as 'free exercise' of religion is dependent on a place in which to carry on religious functions, the exemption of such properties from taxation provides a guarantee against curtailment of free exercise of religion."

*"Continued Study and Evaluation of the Oregon Tax System with Special Emphasis on Exemptions," Part II, Discussion Leader's Guide, League of Women Voters of Oregon, Portland, Oregon, September 1966, page 4.

***Ibid.*, page 5.

The League of Women Voters has suggested that alternatives to full taxation of church property include:

(a) "A payment by the church in lieu of taxes for fire and police protection.

(b) "Assessment of their properties at less than true cash value.

"There are many church members who believe churches should pay for the government services that are of direct benefit to them as organizations and without which they would not be able to function."*

 **Crops, Orchards, and Shrubs.** Agricultural lands are taxed, but not what grows on them. This exemption is often challenged as unjustifiable. Some claim that because the land is taxed and crops are uncertain, it is unfair to tax deciduous trees. Others note that trees should be considered for tax purposes in the same way as plant and machinery of industry, because both are income-producing.

 **In-transit Merchandise-Freeport Law.** The federal constitution provides that Congress alone may regulate commerce among the several states and this reduced the tax base before Oregon had the Freeport Law. Although the interstate commerce clause would allow taxation of some goods, Oregon exempts them.

Merchandise held in public or private storage for the convenience of the shipper while it is being transported through Oregon is not subject to the property tax. Such goods remain tax exempt even though they are assembled, bound, joined, disassembled, divided, cut, broken in bulk, labeled, packaged, relabeled or repackaged.

Owners can claim exemption on the basis of percentage of previous sales actually made out of the state (e.g., if a firm holds an inventory assessed at \$100,000 on January 1, 1970, and sells 50 percent of such goods in a county other than its place of origin and not in Oregon, it can claim a 50 percent exemption on its 1971 inventory).

Because the law is complicated, its interpretation is often uncertain and as a result it is difficult to administer.

Businesses that deal in in-transit merchandise claim they need tax relief if they are to compete successfully with out-of-state firms, due to the

***Ibid.*, page 5.

lines of inquiry

action ideas

Problem Solving. Students might consider the following problems:

If your class wanted to set up an assessment schedule for parking bicycles in the reserved section of the school parking lot, should the assessments be based on the cost of each vehicle? The replacement value of each vehicle? A uniform payment for all vehicles? Some other basis?

supporting information

added shipping, storage, and rehandling costs. Most surrounding states do not tax merchandise in transit. Some assessors think this law is too complicated and difficult to administer as now written. One assessor maintains that attorneys find it difficult to understand; interpretation of it is therefore uncertain.

 **Commercial Facilities under Construction.** Any facility which is being constructed to produce income is exempt from ad valorem taxes for not more than two consecutive years. (Not applicable to public utilities, which are centrally assessed businesses.) The land upon which the building is being constructed, or on which additions are being made, is taxed throughout the period.

The exemption was written into the law to encourage expansion of industry in Oregon because construction is costly and a facility will not produce income until it is complete.

During building construction, an influx of construction workers and their dependents may well put increased burdens on existing local schools and other services. On the other hand, new workers are spending their wages for food, clothing, and shelter from the local merchants.

 **Vehicles.** The Oregon Constitution reserves for highway and recreational use not only the proceeds of the gasoline tax, but "... the proceeds from any tax or

excise levied on the ownership, operation, or use of motor vehicles . . . shall . . . be used exclusively for the construction . . . operation, . . . use and policing of public highways . . . and may also be used for . . . parks, recreational, scenic, or other historic places . . ."

Rather than imposing a property tax, Oregon collects a license fee for certain vehicles: private automobiles pay \$10 annually, private aircraft \$15, and privately owned boats are licensed according to size, from \$2 up. Owners of boats for rent also pay a license fee for each one. Aircraft used by common carriers are subject to the ad valorem tax; so are boats held for sale. Vehicles owned by trucking companies are subject to the weight-mile tax and to license fees. There has been considerable discussion concerning whether such funds should be earmarked for highways and recreation. (See pages 174 and 211.)



Household Goods and Personal Effects. Oregon does not levy a property tax on household goods and personal effects which are not for sale or in commercial use but are actually used by the owner in his home.

Oregon does not tax household goods and personal effects because the problems of administration are too great:

(a) If a sworn statement by the owner is used, reliance must be upon the honesty of the taxpayer to provide a true appraisal.

(b) If a fixed percentage of house and land is used (e.g., at five percent, a \$15,000 home would have its furnishings valued at \$750), a question of tax equity could be raised.

(c) If appraisal were made by inspection, administrative costs would be high, appraisers would need skill in assessing everything from an original oil painting to a kitchen stove, and the question of invasion of privacy could be raised by householders.



Intangibles. Properties such as stocks, bonds, notes, mortgages, and bank deposits have not been taxed in Oregon since 1935. Oregon residents and domestic corporations with earnings from these kinds of properties are taxed on net income, with the exception that earnings from government bonds are tax exempt.

Federal law formerly* provided that national bank shares and the personal property of national banks could not be taxed by a state if that

state also taxed the bank's net income. For equity, chartered banks in Oregon were treated in the same way. (See page 121.)

Intangibles in the hands of individuals are exempt also. Administratively, they are hard to find—they can be easily hidden in a safe-deposit box or sent out of the state. Hence, the more honest taxpayer, who makes an accurate declaration of his holdings, is penalized.

Lands Receiving Special Treatment.* People have become more aware of the need to preserve "open space" as the Western United States has become more and more urbanized. In this desire to preserve open space, some see the property tax as a major economic force which leads to its destruction.

Thus, the simplistic solution to retaining open space has been to remove the economic force created by the property tax on selected lands—farm lands, golf courses, private parks, watersheds, etc.

Farmers, more than any other group, have attempted to promote specialized "open space" legislation. Confronted with the ferocious appetite of urban sprawl and its accompanying increase in property taxes, they have attempted to utilize the interest in open space to enact legislation creating a special property tax treatment for farm land.

Since the major experience in "open space" legislation deals with farm lands, the history of this type of law is useful in analyzing the effects of preferential property tax treatment for farm lands.



Oregon's Greenbelt Law.* Most western states give farm land preferential treatment under property tax laws. Oregon presently has both zoning and special assessment provisions for farm lands.

Unzoned farm land in Oregon is any farm land not zoned exclusively for farm use. Oregon farmers, whose property is located outside the exclusive farm use zones, may apply annually to the county assessor for farm use assessment. Any land is eligible for farm use assessment provided: (1) it has been used the previous two years and presently is being used exclusively for farm use, and (2) it has produced a gross income of \$500 per year for three of the previous five years.

*The federal law has since been changed, but Oregon has not changed its tax policy.

*Edited excerpts from an address by Robyn L. Godwin, Administrator, Administrative Services Division, Oregon Department of Revenue, to the Western States Association of Tax Administrators Conference, 1970.

lines of inquiry

action ideas

supporting information

In Oregon, farm use means "the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of or the produce of livestock, poultry, fur-bearing animals or honey bees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof."

Farmers whose land meets the above qualifications and who annually apply to the county assessor have their farm lands assessed at its true cash value for farm use and not "highest and best" use. Farm use values may be developed from sales if the sales meet the statutory test of a prudent investor. The statutes define a prudent investor as a person who purchases agricultural lands with the reasonable expectation that he will be able to realize an average annual return on his capital at not less than the current rates of interest charged by the Federal Land Bank on first mortgages of farm land in the county in which the agricultural lands are located. The Federal Land Bank establishes only one such rate for Oregon. The rate for January 1, 1970, was 8.5 percent.

Needless to say, none of Oregon's 36 assessors have yet found a sufficient number of prudent investor sales to develop farm use values. However, the statutes further provide that when comparable sales

Resources

Economic Research Service, U.S. Department of Agriculture, Washington, D.C., has many articles and statements on farmland taxation and urban sprawl. Write to this department for current listing.

Roberts, Carlisle B. "The Taxation of Farmland in Oregon." *Willamette Law Journal*. Vol. 4, No. 4, 1967. pp. 482-503.

Cost Factors for Farm Buildings, OSTC. Property Tax Division, Oregon State Department of Revenue, Salem, Oregon. 1968.

Taxation of Forests and Agricultural Lands, and Land Use Planning. Weyerhaeuser Company, Tacoma, Washington. 1965.

Macy, C. Ward. "Some Legal and Administrative Aspects of the Property Tax in Oregon." *Oregon Law Review*. Vol. 33, No. 3, 1954.

figures cannot be utilized in arriving at assessed values of agricultural lands, that the value be arrived at through an income approach. This is not the customary approach most people are acquainted with and have used in making market value appraisals.

In using this statutory approach, "the capitalization rate* shall be the typical capitalization rate used for appraising nonagricultural commercial land in the area in which the agricultural land is located." The Department of Revenue is required by statute to determine this capitalization rate annually and certify the rate to the county assessors. The rate for January 1, 1970, was 7.5.

This method of valuation, as compared to the highest and best use value, does provide a significant reduction in the assessed value for qualified farm land. It also requires the assessor to make two appraisals of each qualified property: one appraisal at market value, and the other at farm use value.

If the land changes use or is no longer qualified for farm use assessment, the deferred taxes, plus six percent for up to five years, are added to the tax entered against the land on the next general property tax roll. The deferred taxes are calculated on the difference in value between market value and farm use value.

Oregon's zoned farm use law has the same statutory value target and is similar in many respects to the unzoned farm use law. County governments may zone areas for exclusive farm use for use by churches, schools, parks, golf courses, and public utility installations.

Once an area is zoned for farm use, the farm use assessment is automatically applied to all eligible farm land within the zone. Eligible land is that which is being farmed and has produced a gross income of \$500 per year for three of the previous five years. The farmer does not have to apply annually to the county assessor as do unzoned farmers. Secondly, the zoned farm lands, since there is no deferral feature, can lose their farm use status without paying the additional taxes—differential between the farm use value and market value.

Have these special property tax laws preserved "open space?" What has happened to the high quality Oregon farm lands? Is it being saved due to this legislation?

*Specified interest rate. "Capitalizing" is obtaining the value of an enterprise by dividing the income by the interest rate.

"PEOPLE HAVE BECOME MORE AWARE OF THE NEED TO PRESERVE 'OPEN SPACE' AND SOME SEE THE PROPERTY TAX AS A MAJOR ECONOMIC FORCE WHICH LEADS TO ITS DESTRUCTION. CONFRONTED WITH THE FEROCIOUS APPETITE OF URBAN SPRAWL AND ITS ACCOMPANYING INCREASE IN PROPERTY TAXES, FARMERS, MORE THAN ANY OTHER GROUP, HAVE ATTEMPTED TO PROMOTE 'OPEN SPACE' LEGISLATION."

These are questions which cannot be fully answered at this time, but there is justification for concern that the legislative goals of providing property tax relief for farm land owners and preserving open space through the farm use laws are not being fulfilled.

The following table indicates the tremendous increase in use of the unzoned farm use assessment law since the major provisions were enacted in 1967.

Farm Deferred Value

1966-67	3,016,345
1967-68	7,000,000
1968-69	152,228,135
1969-70	299,828,502
1970-71	444,626,220

In the 1970-71 tax year, nearly \$450 million in farm land values was removed from the property tax rolls. This represents about 2.5 percent of the total assessed value of Oregon. This reduction in assessed value has mainly shifted an estimated \$4 million in taxes to the other classes of property.

One kind of tax shift can be described by comparing two types of farm lands that presently are receiving farm use assessment in one of Oregon's urban areas. Farm A is top quality farm land along the urban fringe. The land is presently assessed under farm use assessment at \$500 per acre. At highest and best use, this land would be assessed at \$1,000 per acre. Then we have Farm B. Farm B is located in the hill land

lines of inquiry

Forest taxation, like forest management, is today a public problem. Students should be encouraged to explore the extent to which taxation dictates decisions concerning erosion, pollution, water resources, and aesthetic appeal of the environment.

action ideas

Invite an environmentalist to help plan field trips or community service projects which will involve students in (1) evaluating the contributions of the forests to environmental quality and the economy of their own region, (2) investigating tax policies and their effect on forest management, (3) informing their community of the results of their investigations and evaluations.

supporting information

surrounding the urban setting. It is very marginal farm grazing land. Under farm use assessment, it is presently assessed at \$100 per acre. If assessed at highest and best use value, this marginal farm land would be assessed at \$1,000 per acre. Both Farm A and Farm B are in the same code area and presently have the same tax rate—\$27.87 per \$1,000 true cash value. If both farms were assessed at their highest and best use value, Farm A and Farm B per \$10,000 true cash value would pay \$278.70 in property taxes. Yet, under farm use assessment, Farm A presently pays \$139.35, while Farm B presently pays \$27.87.

From this example, it is evident that Oregon's farm use assessment law benefits both Farm A and Farm B, but Farm B, the marginal farm land, receives a significantly higher benefit from the assessment change and is able to shift a greater portion of its property tax. Thus, it would appear that Farm B type land has become an excellent medium or long-term investment for those with extra capital. In all probability, such land has been snapped up by investors.

How would Farm A, in an urban area, compare with Farm C, located in one of eastern Oregon's purely agricultural counties with its assessed value primarily based on wheat and cattle ranches?

Rated on the basis of its highest and best use value,

Resources

Write to Associated Oregon Industries, 2187 SW Main, Portland, Oregon, for information about forest management.
Worrell, A.C. *Forest Resources, Private Enterprise, and the Future: An Economic Study of the Douglas Fir Region*. Industrial Forestry Association, 1410 SW Morrison, Portland, Oregon.

Farm C would be assessed at \$350 per acre. While under farm use assessment, Farm C presently is assessed at \$225 per acre. The property tax rate for Farm C under highest and best use would be \$15.95 per \$1,000 true cash value. Under farm use assessment, the property rate has gone up to \$17.25 per \$1,000 true cash value.

Because the county assessed value is primarily made up from agricultural land, the farmer can only shift a small portion of the property tax liability to other classes of property. Through the process, part of the property tax burden has been shifted back to farm land subject to farm use assessment. The overall result causes the rate to go up. (In Oregon, the voters approve a dollar budget. So, if a portion of the assessed value is exempt, the same dollar amount is spread over a smaller assessed value, thus causing a rate increase.) From the example of Farm C it is evident that farm use assessment is only of minor benefit to farmers in purely agricultural counties.

Although sample farms have been discussed in terms of the unzoned farm use law, the effects would not have been different if the farms had been subject to assessment as zoned farmlands.

Rural Oregon is suspicious of zoning. So far only eight of our thirty-six counties have used the exclusive zoned farm use law, but other counties are interested. Polk and Washington counties were two of the first to zone in Oregon. Both counties surround and are part of two of Oregon's S.M.S.A.'s*—Portland and Salem.

The effect of this law can be illustrated by using land in Polk County across the river from the state capitol. In 1962, the county zoned 16,800 acres for exclusive farm use. Since that time, there has been a steady reduction in the zoned farm land. The lands zoned "farm use" are mainly along the urban fringe. Developers have purchased parcels up to 300 acres along the edge of the zone. If the developer can then successfully petition the zoning authorities to withdraw 30 or 40 acres at a time to develop, he is able to use the zoning law to reduce his fixed cost of holding the undeveloped land. If, by so doing, the developer shifts some of his property tax liability to the urban resident, he also potentially increases his profit or at least reduces his capital risk. Higher profits or reduced risk

should cause more capital to flow into similar types of land developments. So, those who have extra capital might look to this as even a better possibility for a median range investment to the marginal unzoned farm land.

Relying on the experience of the example farms, it can be concluded that Oregon's farm use assessment laws have not aided the preservation of "open space" around the urban fringe.

In fact, there seems to be strong evidence that farm use assessment can and, in some cases, has provided a real economic benefit to land speculation (urban fringe).

The reduction of property taxes on farm lands, which was the legislature's second goal, resulted in an uneven effect. In the examples, the marginal farm land around the urban area received the biggest benefit, while the high quality farm land in the same area received a much smaller benefit. The high quality farm land in outlying rural areas received little if any benefit.

In summary, there seems to be little evidence that the deferred tax feature of the unzoned farm use law will be a successful deterrent to changing the use of farm land and thus preserve open space. Our zoning laws will need strengthening if the zoned farm use law is to preserve open space. The farm use laws leave much to be desired in uniformity insofar as the property tax relief they provide to farm land owners is concerned. There is no doubt that the farm use laws have led to further fragmentation of the property tax base. From all this, an obvious conclusion is that we need to look to other methods of preserving open space than trying to do so through special assessment practices using the economic forces of the property tax. (See also page 189.)



Timberlands. Forest land and its products are taxed under one of four different laws in Oregon (see chart, pages 143b and 143c). These laws permit more flexible taxation of variable timber values and forest land productivity, and they are intended to encourage reforestation by providing a way for private landowners to hold cutover forest lands with a minimum tax liability until income can again be received from a timber harvest.

*Standard Metropolitan Statistical Areas, comprised of a center city of more than 50,000 and adjacent counties which are socially and economically integrated with that central city.

lines of inquiry

Students interested in environmental problems and ecology should be encouraged to study the effect of taxation on the conservation of Oregon's forests and farms. The timber tax laws enacted in 1961, and the Forest Fee and Yield Tax, in effect since 1931, and the Green Belt Law of 1963 were all enacted after several years of hearings and intensive study by the legislature.

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By planning, proposing, and conducting group research projects to determine the effect of timber tax laws on timber conservation in their own counties, students could begin to acquire important citizenship skills and learn a great deal about the real impact of revenue collection policies and practices on environmental problems.

action ideas

Resources

County assessors and the Oregon Revenue Department are good sources of information on local timber tax laws and administration.

Report on Taxation of Timber and Timberlands in Oregon, Oregon Bureau of Governmental Research and Services, University of Oregon, Eugene, Oregon. 1969.

Miner, Ralph. *Shifts in Oregon Property Tax Burden Since 1950*. Bureau of Governmental Research and Services, University of Oregon, Eugene, Oregon. 1970.

Carlson, W.E. *Effects of 1961 Timber Tax Laws on Property Taxes*. Oregon Department of Revenue, State Office Building, Salem, Oregon 97310. 1971.

A Brief Review of Forest Property Taxation in Oregon, Associated Oregon Industries Timber Tax Information and Education Subcommittee, 2187 S.W. Main Street, Portland, Oregon 97205. 1971.

supporting information

PROPERTY TAX AND

Law

WESTERN OREGON AD VALOREM TAX (Mandatory where available options not taken)

EASTERN OREGON SEVERANCE TAX (Mandatory)

FOREST FEE AND YIELD TAX (Optional; applies to both eastern and western Oregon)

WESTERN OREGON SMALL TRACT (Optional Tax)

FOREST PRODUCTS HARVEST TAX (Mandatory; for supporting state expenditures on fire control and forestry research)

ALTERNATIVE SYSTEMS USED ON FOREST LANDS AND TIMBER IN OREGON

Date of Enactment	Responsibility	Forest Land	Reproduction	Merchantable Timber	
				Immature	Mature
1961	State Dept. of Revenue	Valued upon basis of highest and best use, except that land which has been designated as forest land shall be valued as forest land. Such land is subject to additional tax if designation is removed. Tax is paid each year.	All reproduction under 12" in diameter breast high is exempt from annual property tax, except if harvested; then prevailing property tax rate is applied to 100% of immediate harvest value.	Timber over 12" in diameter breast high, but under age 90 as of 1961 is valued at 30% of its immediate harvest value; prevailing tax rate is paid on this value each year. An "additional tax" is paid on timber harvest, based on 70% of its immediate harvest value. The "additional tax" is paid only after timber is harvested.	Timber over age 90 as of 1961 is valued at 30% of its immediate harvest value, except timber expected to be harvested over a period exceeding 30 years. Until 1976 such timber will be valued at 25% of its immediate harvest value. The tax is paid each year. An "additional tax" is paid on timber harvest, based on 70% or 75% of its immediate harvest value; the additional tax is paid only after timber is harvested.
1961	State Dept. of Revenue (assessors value land)	Taxed by procedure described above for Western Oregon.	No property tax on timber; 5% severance tax in lieu of property tax is paid on value of forest products removed. Severance tax paid quarterly. Tax is paid to State Department of Revenue and redistributed to counties in the proportion that each county's timber value bore to the total in Eastern Oregon in 1964.		
1929	State Dept. of Revenue	Law establishes flat fee of 10 cents per acre in Western Oregon, 5 cents per acre in Eastern Oregon. Tax is paid annually.	Lands eligible for original classification under this law must be cutover and have adequate provisions for reforestation. Forest products harvested are subject to a 12½% yield tax on the value of the product harvest. Tax is paid after product is harvested. (1) Owner must apply for a permit to harvest timber. (2) State Department of Revenue issues permit authorizing harvest and establishing timber value. (3) Tax paid semiannually; within 30 days after June 30 and December 31 of each year.		
1961	State Forester	Only owners owning less than 1,000 acres of timberland, supporting trees averaging less than 60 years old are eligible.	Land and timber valuation, is combined into a statutory true cash value by site classes	Site I \$110 per acre Site II 85 per acre Site III 55 per acre Site IV 20 per acre Site V 7 per acre The tax is paid each year.	
1947	State Dept. of Revenue	Currently a tax of 6 cents is levied per thousand board feet harvested from all forest lands. An additional tax of up to 4 cents per thousand board feet is levied on timber harvested from lands on which the State Forestry Department has fire control responsibilities.	Source: Associated Oregon Industries Timber Tax Information and Education Subcommittee.		

lines of inquiry

Because the county assessor is the hub of property tax administration, and the property tax provides a major part of the support of local governments, students should become familiar with the assessor's role and functions and the extent to which his duties are directed by law. Students should also understand the reasons for current efforts to make the office of assessor an appointive one.

action ideas

Visiting the Tax Assessor. A group of interested students might visit the local county assessor's office to learn how the assessed value of land and buildings has changed over a period of several years. They could present this information to the class in graph form and also discuss any evidence they find that indicates a definite change in the standard of living of various groups of people over the past few years.

Resources

Appraisal of Real Property for Tax Purposes. Film: 15 minutes, kinescope, grades 10-12. Illustrates the work of a county assessor. *\$2.25.

Thirteenth Annual Appraisal Short Course. Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310. 1968.

Laws and Regulations Relating to Assessment and Taxation. 1969. Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310.

Cost Factors for Residential Buildings. OSTC, Salem, 1967. Valuation Division, Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310.

What's Behind Utility Valuations? An Explanation of Methods and Theories Underlying Utility Valuations, Allocations, and Apportionments. Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310. 1959.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

Concern with forest tax problems is of long standing in Oregon. As early as the turn of the century, tax burdens on cutover and second growth lands were often excessive in relation to expected income from these areas. Tax delinquency on forest lands was becoming a major problem by the 1920's and as an alternative to the ad valorem tax, the 1929 Legislative Assembly enacted the optional Forest Fee and Yield Tax Law. By providing the option to postpone major timber tax burdens until income is received from harvesting, it was hoped the yield tax would encourage reforestation and remove the stimulus for premature timber harvest to avoid taxes. Less than ten percent of Oregon's private forest lands are classified under the yield tax law.

In 1955 the Department of Revenue was directed to assist counties in valuing timber properties in a manner which would consider carrying charges, risks, and period of harvest deferment. It was recognized that old growth timber to be harvested far in the future had a lower current market value while being held than it would have when harvested. Therefore, such timber was assessed at 30 percent of apparent immediate harvest value.

In 1961 the timber valuation factor was increased to 35 percent and the legislature changed the forest taxation laws to form the package shown on pages 143a and 143b.

The Eastern Oregon Severance Tax, coupled with an ad valorem land tax, was enacted in recognition of slow timber growth in Eastern Oregon and inventory problems due to typically nonuniform timber stands. Eastern Oregon timber management results in many different ages of trees on the same acre—a fact which makes estimating timber volumes and assessed values costly. The severance tax was designed to raise roughly the amount previously yielded.

The optional small tract law was designed to encourage small woodland management in Western Oregon.

PROPERTY ASSESSMENT POLICIES AND PRACTICES

Real and personal tangible property is assessed by the county assessor under general supervision of the State Department of Revenue. In addition each assessor and the Department of Revenue make ratio studies to attain as high a degree of statewide uniformity as possible.

The Department of Revenue is responsible for the assessment of all utility property—both real and personal. The values determined by the department are certified to the county assessor and entered on the assessment roll.

The department is responsible for the appraisal of timber and forest land in Western Oregon and is also responsible for administration of the Eastern Oregon Timber Severance Tax Law.

Each county assessor has the duty of determining the true cash value of each parcel of taxable real property and each item of taxable personal property in the county. For most classes of property, true cash value is defined as market value as of assessment date.

However, zoned "farm-use" land, unzoned deferred "farm-use" land, designated "forest use" land, small tract Forest Act lands, and Western Oregon Ad Valorem tax lands have special treatment which often results in assessment substantially below market value.*

It is the value of property on the assessment roll which determines its tax burden. That is why this tax is called an "ad valorem" tax, meaning a tax "according to value."

How a Taxpayer May Appeal. If a taxpayer

thinks the assessed value of his property is out of line with similar properties in his district, he should ask the county assessor to review the assessment. If dissatisfied with the assessor's determination, the taxpayer may appeal by petition to the county board of equalization. The board meets on equalization matters starting the second Monday in May, and petitions for hearings must be filed with the county clerk prior to the end of the first week the board is in session. Because the assessor controls the assessment roll prior to May 1, all petitions to the board of equalization must be filed between May 1 and the third Monday in May. If the taxpayer is not satisfied with the board's decision, he may appeal to the State Department of Revenue, or if the true cash value of the property does not exceed \$25,000, he may appeal to the Small Claims Division of the State Tax Court. This is also true in the case of personal property if the true cash value does not exceed \$10,000. If the taxpayer elects to proceed in the Small Claims Division, the decision of the court is final and there may be no appeal. However, if the taxpayer elects to initiate his appeal with the Revenue Department, he may appeal the ruling to the Regular Division of the Tax Court and the judgment of the Tax Court to the Oregon Supreme Court.

Collection and Distribution. When the assessor completes the tax roll, it is turned over to the tax collector for collection. The tax collector mails the tax statements ahead of the November 15 deadline.

Taxpayers have until November 15 to make their first quarterly payment, after which time interest is charged. However, when payment in full is made on or before November 15, the taxpayer receives a three percent discount.

As payments are made, the tax collector posts them to the tax rolls. It is then determined arithmetically how much of the money collected is to go to each taxing district, and once a month or oftener the tax collector gives the money, together with a written order for its distribution, to the county treasurer, who then forwards a check to each district.

In counties the distribution is made on the basis of percentage of the district levy to all levies.

The Problems of Property Tax Assessment. By

*See discussion page 183-184.

lines of inquiry

action ideas

Practical Experience. Have each member in the class make an individual assessment of the market value of a home in the community. Compare results and discuss the criteria (objective and subjective) used by individuals that would account for the differences that occurred. Arrive at a class consensus, if possible, and then consult a real estate broker to determine how accurate the assessment has been.

supporting information

"THE PROCESS OF PLACING A VALUE ON PROPERTY IS KNOWN AS ASSESSMENT AND IT HAS ALWAYS BEEN AN ADMINISTRATIVE HEADACHE. PROPERTY VALUES, LIKE BEAUTY, MAY BE IN THE EYE OF THE BEHOLDER."

law all property in Oregon must be appraised every six years, and all real or personal property within each county must be assessed at 100 percent of its true cash value (TCV) which, when possible, is the same as its market or sales value as of the assessment date.

In order to be taxed, property must be located, and a value must be placed upon it. It is easier to do this for some kinds of property than others. The process of placing a value on property is known as assessment, and it has always been an administrative headache. Property values, like beauty, may be in the eye of the beholder.

The difficulty of administering the property tax is that small units of local government lack the financial resources to obtain professional assessors and the use of technique, needed to assess the market value of real property accurately and fairly.

Resources

Study of the defeated proposal to amend the constitutional six percent limitation can give teachers and students a good perspective of alternatives being sought. Write for: "Ballot Measure 10—Possible Advantages and Disadvantages," Office of the Superintendent, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310, August 10, 1970.

ESSENTIALS FOR GOOD ASSESSMENT PROCEDURES*

- (1) First, an assessor should be someone who is professionally trained with career status and tenure. The last thing in the world you need is a politically elected assessor.
- (2) Second, the assessor must be provided with a law he can administer. . . . The assessor should be free to assess at whatever level is workable, in the light of that community's history; but, whatever the assessment level, it must be applied uniformly to all property in the taxing district. He must be provided with laws that he can live with, work with, and be honest about!
- (3) Third, the assessor's area of operation must be large enough to support a staff with technical competence in all the specialized properties involved in today's world, ranging from abandoned open spaces to large metropolitan areas. Aerial maps and photos should be made available and modern electronic equipment should be provided for the office.
- (4) Fourth, the assessor must be backstopped with a nonpolitical state agency equally well staffed with people who have the authority and competence to supervise him, verify his qualifications, evaluate his work, and help him overcome his difficulties.
- (5) Finally, the taxpayer must be given certain rights, too. He must be supplied with information on what is happening to property assessment in his district because he cannot, by looking at the market value of properties, decide whether or not he is being treated fairly.

*From a keynote address by Samuel H. Bishop delivered at the 1965 Annual Convention of the International Association of Assessing Officials.

Oregon's Department of Revenue has summarized the problems facing local assessors in the following paragraphs.

Virtually no two parcels of land are identical in those features which affect value—soil, contour, accessibility to market. It is difficult to put a value on improvements to land and, even if the value of one unit of land and improvements could be firmly established by its sale or by other means, this value cannot be applied to other parcels because they all vary.

Certain classes of property do not change hands frequently, so that typical sales prices cannot be used as a basis for assessing their value. Single-family dwellings in urban areas are sold much more often than are family farms or business properties, so it has been much easier to establish unit values on urban residences than on rural property.

The ability to make accurate appraisals varies not only according to classes of property, but also according to locations and uses of property.

The Department of Revenue has developed formulas to test the degree to which the value of property on the assessment rolls conforms to actual sales prices. Using these ratios, the department has found that in Oregon there is a fair degree of conformity for single-family dwellings, and, as expected, there is less conformity for

typically farm areas or rural tracts.

COMPUTING THE PROPERTY OWNER'S TAX BILL

Local Budgets Determine Tax Bill. The amount of money raised in the county by property taxes is determined solely by the authorized and legal budgets of the governmental units and special districts.

Every year each levying body (governmental unit or special district) prepares a budget according to past experience and future requirements. This is prepared by a duly appointed budget committee. The levying body then publishes the budget in a newspaper of general circulation for public inspection, holds public hearings, (these public hearings in Multnomah County are usually advertised and conducted by the Tax Supervising and Conservation Commission), and finally approves the budget.

The budget itself is a listing of estimated expenses, from which is subtracted an estimate of anticipated receipts (nontax revenues).

Local Tax Bases Defined by the Six Percent Limitation. The property taxpayer is protected from skyrocketing taxes in other ways besides having the right to vote for at least some of the budget committee members and to be heard at the annual public budget meetings. (See page 276.) The six percent limitation set by the constitution on amounts that can be levied by a local governmental unit in any one year without a vote of the people has made it necessary for many local government units, particularly school districts, to seek voter approval each year for the amount of their tax levy which is in excess of the six percent limitation. Often voters turn down the levy and the taxing unit is faced with the necessity of cutting budgets and holding several elections a year.

In order to understand why the six percent limitation makes it difficult for local government units to secure sufficient revenue through property taxes, it is necessary to remember that in Oregon, "tax base" is used in two ways. The "base" for Oregon's property tax is the assessed valuation of property. However, the constitution defines "tax base" as the "amount (of funds) obtained by adding six percent to the total amount of the property tax lawfully levied by

lines of inquiry

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action ideas

Examine Tax Bases. Students might find out what the tax base of their school district (or city, water district, etc.) is, when it was established, and whether it is adequate. If it is not, how do the administrators or officials of the government unit being studied obtain necessary revenue? Which programs or services have they deleted? Have they found good solutions? What are some alternatives?

Understanding the Six Percent Limitation. Compare the constitutional limitation on local district taxing power to student allowances. Suppose each student received his first allowance at age eight and it was set at five percent of father's monthly salary, which at that time was \$500. Then each succeeding year, each student's allowance increased at the rate of six percent of the previous year's amount. However, father's income has now reached \$1,200 a month, but the only way an allowance increase can be made is by the vote of brothers and sisters, who have each year decided to spend the money in other ways. What has caused the six percent increase to be inadequate? Increase in the needs of the students as they grow older and more active (population increase in local districts)? Increase in the cost of goods and services and in the family's standard of living (inflation)? Selfishness of brothers and sisters (voter priorities)? Have students ask the superintendent of schools if this is a fair analogy.

Resources:

Code maps and other information relating to property tax values and rates in various governmental units are available in the county assessor's office.

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the taxing unit in any one of the last three years in which such a tax was levied . . ."

This limitation went into effect in 1916.*The six percent limitation "tax base" of any taxing unit, then, is the amount of the tax levied when the tax base was set, plus the amounts added in those years in which the local governing unit has added six percent to the base. It has not always been added consistently. Because of the depression, the amount levied in the 1930's was very small, and because many local governmental units have not always increased the base by six percent per year, the "tax base" for most units is now much below the actual operating budget which needs to be derived from property taxes. Any local governmental unit may hold a primary or general election to increase the tax base, but such elections have frequently been unsuccessful.

Since local school districts depend more heavily on the property tax than any other local government unit, the six percent limitation has perhaps had a greater impact on school revenue than on other units, though it has also often prevented city governments from levying taxes up to the amount considered necessary to finance city services. The effect of this limitation on a hypothetical school district, which, for example, had a tax base of \$1,000,000 in 1960, can be seen in the following table.

*When the state abandoned fixed rates for selected types of districts and began requiring all districts to budget.

TAX LEVY UNDER THE SIX PERCENT LIMITATION		TAX LEVY OUTSIDE THE LIMITATION	
	Tax Base (amount allowed by law)	Budget, or amount needed	Amount people must approve
1960...	\$1,000,000		
1961...	$1,000,000 + \$60,000 =$	$\$1,060,000$	$\$900,000$
1962...	$1,060,000 + \$63,600 =$	$1,123,600$	$876,400$
1963...	$1,123,600 + \$67,416 =$	$1,191,016$	$933,984$
Source: <i>Taxes, Services, and You</i> . League of Women Voters of Oregon. 1970.			

If the "base" was \$1,000,000 in 1960, the district would then be permitted to levy \$1,060,000 without a vote of the people in 1961. If the budget were \$1,960,000 for that year, it would then be necessary to secure a vote of the people for levying the additional \$900,000. Notice that the result is that often the amount which exceeds the base can be much larger than an actual increase in the budget. In 1963, for instance, even if the budget had remained the same as for the previous year, it would have been necessary to get approval for \$808,984:

$$\$2,000,000 - \$1,191,016 = \$808,984.*$$

It should be noted that nearly two-thirds of Oregon's school districts do not have a tax base under the six percent limitation and therefore must submit their entire budget for voter approval each year. The tax bases of the remaining one-third are so low that these districts must also go to the voters each year. In 1971-72 only eight districts had budgets which stayed within the six percent limit.

It is also significant to note that the six percent limitation applies only to the dollar amount of taxes levied and not to the rate of taxation per \$1,000 of assessed valuation. Therefore, a sizeable increase in the value of taxable property in a year would not allow a corresponding increase in tax revenue. Rather it would simply lower the tax rate.

Determining Tax Rates. Once the budget items have been approved, the amount of taxes levied is written on a form called "Notice of Tax Levy" which, with a copy of the budget, is given to the county assessor by July 15.

The "Notice of Tax Levy" constitutes an order to the assessor to include this amount of money in the tax roll he is then preparing. The assessor does not have the right to increase this amount, and only in a specific instance to decrease it. His

only authority is to see that the district has acted in a legal manner. If he finds, for example, that the levy exceeds the constitutional six percent limitation, he must, after consulting with the Department of Revenue and receiving its concurrence, reduce the levy to the legal amount. If he or the

county court or ten taxpayers believe the budget or levy is in violation of the law, any of these parties may bring the matter to the attention of the department, which, if it finds the contention to be correct, would issue an order requiring compliance with the law.

If the budget and levy are legal, the county assessor determines the rate of levy. This means dividing the assessed valuation into the total amount of money proposed to be raised by property taxation. The quotient, in dollars and cents per thousand dollars of assessed value, is the tax rate.

For example, a fire district needs \$2,100. Its total assessed valuation is \$560,000, computed as follows:

Real Property	\$400,000
Personal Property	100,000
Public Utilities	60,000
Total Assessed Value	\$560,000

The tax rate is figured in this manner:

	3.75	
\$560	\$2,100.00	or \$3.75 per thousand
(Assessed Value	1.680	dollars of assessed
in Thousands)	420 0	value
	392 0	
	28 00	
	28 00	

But the \$3.75 tax rate would apply to only one district. Every parcel of property is in several districts, and in order to simplify things, codes are established to identify areas which have the same rate. "Codes" are given an identifying number. (See Table 5.)

CODE 2-1

District	
School Dist. No. 2	\$ 3.75
Intermediate Education Dist.	7.30
Union High School Dist. No. 8	3.67
Dante Rural Fire Dist.	.90
Drywell Water Dist.	.68
Boat Hill Cemetery Dist.	.28
Road Dist. No. 1	1.62
County	3.05
TOTAL RATE	\$21.25

**Taxes, Services, and You*. League of Women Voters, 1441 SE 122 Avenue, Portland, Oregon 97233. 1970.

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The assessed value of each parcel of property is multiplied by the combined tax rate of the "Code" area to determine the owner's tax bill. (\$21.25 X \$1,000 assessed value = \$21.25 ad valorem tax, plus any special assessments applicable.)

THE IMPACT OF FLUCTUATING PROPERTY TAX RATES

If the dollar value of the tax base increases, more revenue can be obtained from the same properties without increasing tax rates; if, however, the tax base (property value) does not increase at the same rate as the cost of government, tax rates could go up, or services could be cut back.

Population growth and urbanization have had considerable impact upon property tax rates. Sixty-one percent of the tax code areas in Multnomah, Clackamas, and Washington counties (the Portland metropolitan area) had tax rates exceeding \$25 or more per \$1,000 of assessed value compared to less than 10 percent in 18 rural counties. In Lane County, 34.5 percent of the areas had rates exceeding \$25 per \$1,000 valuation and in the Salem metropolitan area (Marion and Polk counties) 26 percent exceeded \$25 per \$1,000 assessed value.

Bureau of Census data show that residential property in Oregon, and certainly Portland, bears a higher portion of the burden of the property tax than is true in other western states.

Resources

Report of the Legislative Interim Tax Study Comrd., Oregon Legislative Interim Tax Study Committee, State Capitol, Salem, Oregon. 1965.

Shifts in the Oregon Property Tax Burden Since 1950. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon. 1966.

TABLE 5
DISTRIBUTION OF TAX CODE AREAS
BY AMOUNT OF 1968-69 PROPERTY TAX RATES

	No. of Tax Code Areas	Code Area Rate in Dollars							Tax Rate per \$1000 of Assessed Value*				
		Under 10.00	10.00 to 14.99	15.00 to 19.99	20.00 to 24.99	25.00 to 29.99	30.00 to 34.99	35.00 and Above	Lowest	First Quartile	Median	Third Quartile	Highest
		WESTERN OREGON											
Benton	46		5	12	20	9			\$13.69	\$18.58	\$21.82	\$24.61	\$29.54
Clackamas	387		3	19	163	175	24	3	13.53	22.89	25.18	27.57	37.87
Clatsop	23		4	1	9	7	2		13.23	20.33	23.40	27.78	31.46
Columbia	52		10	10	10	8	12	2	11.76	17.57	24.56	30.32	35.38
Coos	59				28	27	3	1	20.13	23.25	25.10	27.83	38.34
Curry	34	4	8	4	11	6	1		6.19	14.22	20.21	23.97	31.54
Douglas	74	3	9	37	17	7	1		8.13	16.25	18.29	20.86	32.60
Jackson	73	1		18	43	11			9.07	19.86	22.12	23.34	28.86
Josephine	6			2	4				18.87	19.02	20.35	24.84	24.93
Lane	185		3	24	94	56	8		12.73	21.59	23.82	25.92	34.27
Lincoln	55		3	45	6	1			14.56	16.01	16.95	18.86	25.42
Linn	180		5	67	92	14	2		13.38	17.52	20.67	22.61	32.40
Marion	216		17	60	68	67	4		13.10	17.86	21.63	26.20	31.00
Multnomah	157			1	42	52	50	12	16.23	24.53	29.35	30.48	38.51
Polk	129			11	100	15	1	2	19.08	21.77	22.60	23.60	39.18
Tillamook	52			13	34	4	1		17.19	19.99	20.70	22.50	30.04
Washington	241			7	71	147	13	3	16.74	24.04	26.56	27.82	42.83
Yamhill	52			1	18	20	11	2	17.61	24.49	26.17	30.24	37.57
Subtotal	2021	8	67	332	830	626	133	25	6.19	20.70	23.67	26.74	42.83
EASTERN OREGON													
Baker	33		20	11	2				12.96	13.40	13.90	18.08	21.61
Crook	8			8					17.76	18.07	18.54	19.00	19.30
Deschutes	29	1			19	7	2		7.47	22.44	23.49	28.49	33.47
Gilliam	10	3	5	2					9.52	9.61	13.01	16.67	18.74
Grant	26			8	7	9	1	1	15.88	19.86	21.03	26.89	35.30
Harney	20			17	3				16.90	17.20	17.53	19.35	24.04
Hood River	10				8	2			20.22	20.96	21.60	23.80	28.52
Jefferson	35	1	12	10	12				7.23	13.67	15.55	21.20	22.97
Klamath	46	1	29	14	2				1.57	12.43	13.93	15.55	23.46
Lake	23	7	10	5	1				7.98	9.13	11.83	15.13	24.29
Malheur	42		6	21	13	2			12.32	16.88	19.52	20.87	28.21
Morrow	22		2	17	3				14.96	15.86	16.83	17.56	23.27
Sherman	10		5	4	1				12.47	13.78	14.80	17.20	20.73
Umatilla	93			26	47	17	3		17.30	19.30	22.29	23.79	31.14
Union	66		1	55	5	5			14.52	17.73	19.08	19.61	26.06
Wallowa	37	14	21	2					8.98	9.64	10.48	10.67	15.89
Wasco	30		20	2	3	5			10.60	13.48	14.62	21.06	28.05
Wheeler	10		8	2					11.10	11.10	14.06	15.23	16.83
Subtotal	550	27	139	204	126	47	6	1	1.57	18.18	19.12	21.28	35.30
TOTAL	2571	35	206	536	956	673	139	26	1.57	19.12	22.59	26.21	42.83

*After deduction of \$1.06 per \$1000 assessed value state property tax relief.

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Rural areas tend to require fewer services from government than urban areas. For example, a farmer living in the country may get along very well with a septic tank; however, such an approach to sewage in a highly populated area could pose a real health problem. While the resident of a rural area may not want parks and recreation facilities, he may wish he had better fire and police protection. City dwellers may take fire and police protection for granted and regard parks and recreation facilities as necessary for the quality of life. Suburban areas may have to make provisions through special districts for all three services.

Because a large portion of the property tax in Oregon goes to school districts, costs of education play a significant role in the level of property tax rates. Dispersion of property values within taxing districts is important here because, given the same amount of money to raise, a taxing district with a small tax base, a "poor"* district, will have a higher tax rate than a "rich" district which has a larger tax base. For this reason the report of the interim committee on education in 1963 recommended statewide uniform rates to support education.

There is no limitation on how high tax rates may go; however, the six percent limitation places a limit upon the dollar amount which governmental units may levy without a vote of the people.

Resources

Inheritance and Gift Tax Laws. Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310. 1970.

Shoup, Carl. *Federal Estate and Gift Taxes.* The Brookings Institute, Washington, D.C. 1966.

*A low-income bedroom district with many children in school, as opposed to a rural agriculture area with few children in school and high valuation.

In summary, understanding of the composition of the tax base, the location of property to be assessed—i.e., whether it is in a rural or urban area; the rate of change of property values within those locations and the effect of change on tax rates; and the quality of the assessment of the various kinds of property within the tax base are basic to the understanding of property taxation.

OREGON'S DEATH AND GIFT TAXES

Oregon's Inheritance Tax. Oregon, like 36 other states in the Union, has an inheritance tax. It is not a tax upon property but rather upon the right or privilege to *receive* property by succession. It differs from the estate tax, which is a tax on the right at death to *give* property. The Inheritance Tax Law was adopted in 1903 and comprehends two distinct taxes. The first is computed on the total value of the net estate in excess of \$15,000. It is prorated among all the beneficiaries. The second is computed on the value of each share. When an estate is left

to members of the immediate family (lineal or preferred group), no second tax rates apply.

Revenue produced by the inheritance tax has increased over the years from \$6,000 in its first year to a present monthly average exceeding \$1,000,000.

Estate representatives are required to furnish the Department of Revenue with an inventory of estate properties within 60 days of appointment, unless a longer time is granted by the court, and file an Inheritance Tax Return, which discloses debts, total of other taxable interests not included in the official inventory, and proposed distribution of the estate.

The Department of Revenue determines liability on the basis of this information, or if a return is not filed the department may compute the tax according to its best information and belief and notice of the proposed tax deficiency shall be given to the executor. Executors have 60 days from the mailing of such notice to pay the additional tax or file written objections. The director shall hear and determine the deficiency and court proceedings may follow.

TABLE 6
INHERITANCE TAX RATES

Classification or indication of relationship	Amount exempt	Application of rates to value of inheritance or bequest					
Grandfather, grandmother, father, mother, husband, wife, child, stepchild, or lineal descendant of decedent.....	\$25,000	\$25,000 to \$75,000 2%	\$ 75,000 to \$100,000 3%	\$100,000 to \$300,000 5%	\$300,000 to \$500,000 7%	Over \$500,000 10%	
Tax in individual bracket..... Accumulative tax.....		\$ 1,000	\$ 750 1,750	\$ 1,000 11,750	\$ 14,000 25,750		
Additional tax if beneficiary is brother, sister, uncle, aunt, niece, nephew, or any lineal descendant of same or a son-in-law or daughter-in-law*.....	\$ 3,000 each	\$ 3,000 to \$ 5,000 2%	\$ 5,000 to \$ 10,000 4%	\$ 10,000 to \$ 30,000 7%	\$ 30,000 to \$ 50,000 10%	Over \$ 50,000 15%	
Tax in individual bracket..... Accumulative tax.....		\$ 40	\$ 200 240	\$ 1,400 1,640	\$ 2,000 3,640		
Additional tax in all other cases, except those specifically exempt by ORS 118.020*.....	\$ 500 each	\$ 500 to \$ 1,000 4%	\$ 1,000 to \$ 2,000 6%	\$ 2,000 to \$ 4,000 8%	\$ 4,000 to \$ 10,000 10%	\$ 10,000 to \$ 25,000 15%	Over \$25,000 20%
Tax in individual bracket..... Accumulative tax.....		\$ 20	\$ 60 80	\$ 160 240	\$ 600 840	\$ 2,250 3,090	

*Taxes in these brackets are in addition to the tax in the first bracket
Source: Department of Revenue

All property within the state of whatever nature, passing by will or otherwise, including gifts or conveyances in contemplation of death, is taxable.* The personal representative and beneficiary are liable for the tax. Benefits payable to beneficiaries under the National Railroad Retirement Act, the National Social Security Act, a governmental pension or retirement plan, or a federal-income-tax-exempt employee or retirement plan or trust, are exempt from inheritance tax to the extent of \$20,000 for each beneficiary. Any excess over \$20,000 to a beneficiary would be subject to the inheritance tax, as would any amount which is payable to the decedent's estate or the executor or administrator of the estate.

Life insurance may or may not be taxable when payable to a beneficiary, depending upon the date of issuance, the amount of the proceeds, and the ownership of the policy.

(1) Insurance proceeds payable to decedent's estate or the executor or administrator of the estate are taxable without any deduction.

(2) All proceeds of policies issued prior to January 1, 1960, and payable to a named beneficiary, except under (1) above, are entirely exempt.

(3) All proceeds of policies issued after December 31, 1959, and payable to a named beneficiary, except under (1) above, are exempt to the extent of \$75,000 in the aggregate.

*More detailed information regarding administration of the tax should be obtained from the Inheritance and Gift Tax Division of the Department of Revenue.

The deductible items include:

- General claims
- General indebtedness
- Administration expenses
- Executor and attorney fees
- Homestead deduction
- Previously taxed property

To qualify as a homestead, the property must have been: (1) decedent's actual abode at the time of his death, and (2) also that of the widow and/or child or children who inherit the property.

Taxes accrue at the death of the decedent and are due and payable to the Department of Revenue at the expiration of nine months from such death except tax on future interests accrue when the beneficiary comes into actual possession and enjoyment.

After due date of payment, interest accrues at eight percent unless payment is delayed for unavoidable causes, in which case the rate is six percent.

Oregon's Gift Tax. The first state gift tax was enacted by Oregon in 1933, one year after the present federal tax was enacted. Currently, 13 states have enacted gift taxes. The Oregon gift tax is patterned substantially after the federal gift tax, but modified to fit compatibly with the inheritance tax.

The gift tax was originally enacted to protect the integrity of the inheritance tax. It was enacted to compensate to some extent for the avoidance of death taxes through resort to gifts during life.

The gift tax produces about \$2,000,000 a biennium. It is an excise tax upon the transfer of property. It is not a tax upon the property, which is the subject of the gift, although it is measured by the value of that property. The gift tax and the inheritance tax are considered mutually exclusive and, as a result, a transfer cannot be subject to both taxes. Similarly, the gift tax and the income tax are regarded as mutually exclusive. The value of property acquired by gift is not generally considered income for the purposes of the income tax.

The tax applies to the transfer by gift of all property within the jurisdiction of the state. The

subject of the transfer must be an interest in property. The property transferred must have been owned by the donor. The gift is that part of the value of the property which exceeds the value of any consideration received. There must be a voluntary act of transfer by the donor, who must divest himself of dominion and control over the property. The term "gift" is used in a broad and comprehensive sense.

Examples of transfers which may constitute taxable gifts include:

- (1) Transfer of cash, bonds, real property, etc.
- (2) Creation of a trust
- (3) Foregoing of a debt
- (4) Assignment of a mortgage
- (5) Assignment of insurance benefits
- (6) Payment of insurance premiums on a policy owned by another
- (7) Creation of a joint bank account. (The taxable gift occurs at the time the donee draws upon the account for his own benefit.)

A sale or exchange of property in the ordinary course of business, if the transaction is bona fide and free from any donative intent, does not involve a gift even though the consideration received is inadequate.

Gift tax rates coincide with those of the inheritance tax. (Federal gift tax rates are 75 percent of federal estate tax rates.) Also like the inheritance tax, three categories of rates are applied to gifts. The first category, or so-called "basic tax," is a tax on the total of gifts made to all donees. It is the only tax applicable to gifts made to lineal relatives—those persons in a direct blood line relationship to the donor, such as grandparents, parents, children, and grandchildren and issue of stepchildren.

The second tax rate structure is for an additional tax on gifts made to "collateral relatives" such as brothers, sisters, aunts, uncles, nieces, nephews, etc.

The third rate structure is for an additional tax applied to gifts made to others and is commonly referred to as the "nonrelative tax."



TABLE 7
GIFT TAX RATES

CLASS I (Basic gift tax):

Amount	Percent
\$ 0 — \$ 25,000	1
25,000 — 50,000	1½
50,000 — 75,000	2
75,000 — 100,000	3
100,000 — 300,000	5
300,000 — 500,000	7
above \$500,000	10

CLASS II (Collateral gift tax):

Amount	Percent
0 — \$ 3,000	1
3,000 — 5,000	2
5,000 — 10,000	4
10,000 — 30,000	7
30,000 — 50,000	10
above \$50,000	15

CLASS III (Nonrelative gift tax):

Amount	Percent
\$ 0 — \$ 1,000	4
1,000 — 2,000	6
2,000 — 4,000	8
4,000 — 10,000	10
10,000 — 25,000	15
above \$25,000	20

Oregon law provides each donor a \$15,000 lifetime exemption applicable to the basic gift tax, or first category of rates. This exemption, at the option of the donor, may be taken all in one year or spread over a period of years, but after the total exemption has been taken, no further specific exemption is available. This exemption does not apply against the additional tax provided by the second and third rate schedules.

In addition to the specific lifetime exemption, annual exclusions apply. These exclusions vary according to the applicable rate schedule. For example, the first \$5,000 of gifts made each year to any one person in the "lineal relative" category is excluded

from the base for determining tax. Similarly there is an annual exclusion of \$3,000 of gifts to any one person in the "collateral relative" category and \$1,000 of gifts to any one person in the "nonrelative" category.

Like the federal tax, the annual exclusions are available with respect to gifts of present interests but are not available for gifts of future interests. A "future interest" is one in which the privilege of possession or enjoyment is postponed until a future date. For example, an irrevocable gift of money in trust to be paid to a 26-year-old donee upon his 35th birthday, is a future interest not entitled to the annual exclusion.

Sometimes a gift upon which a gift tax has been paid becomes subject to the inheritance tax as a gift in contemplation of death or one intended to take effect through possession or enjoyment at death. In such cases the gift tax paid is credited against the inheritance tax.

Gifts to religious, charitable, scientific, literary or educational organizations, associations, or corporations within this state and organized and

actually engaged in carrying out these purposes are exempt from tax. It is necessary to report such gifts, however, in order to permit their exempt status to be ascertained.

Gift Tax Returns must be filed with the Department of Revenue by April 15 covering the preceding calendar year in which the gifts were made. The department is allowed to extend the time for filing up to a period not in excess of six months. A Gift Tax Return is required whenever gifts of any calendar year exceed the amounts of the annual exclusions. The Gift Tax Return is to be filed by the donor except if the donor fails to file a return, then the donee must file an informational return.

The Department of Revenue determines the correct amount of the tax as soon as practicable after the return is filed. In the event that the department and the taxpayer are unable to reach agreement, a notice of deficiency is issued. The taxpayer has 60 days after the notice of deficiency within which to seek judicial review and determination of the tax liability.

lines of inquiry

Although most economists believe that the fairest and most flexible tax structure employs the income tax, the property tax, and the sales tax, Oregon has always relied heavily on the income and property tax and rejected the sales tax.

Students should understand the distortion this has caused and consider such questions as: Why have Oregon voters been so fearful of the sales tax? It might be interesting for students to examine newspaper accounts of some of the historic battles that have occurred over sales tax proposals in Oregon and try to determine which arguments were emotional and which logical.

action ideas

Interviewing. Using techniques described in *What Do You Think*, by Schwartz, interview a number of citizens as to their opinions on the kinds of taxes Oregon should use to support local governments. Tabulate the results for presentation to the state legislators from your county.

Resources

Schwartz, Alvin. *What Do You Think? An Introduction to Public Opinion*. L.P. Dutton & Company, New York, N.Y., 1966.

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THE NEED FOR MORE EFFICIENT TAX SYSTEMS

Economists have predicted that even if Oregon taxpayers do not approve any expansion of government services and continue to pass only hold-the-line budgets, Oregon will still have a \$300 million deficit* at the end of the coming decade due to rising costs of goods and services and expanding population. (See page 102.)

What are the alternatives?

(1) Drastically reducing government programs despite a clearly demonstrated need for considerable expansion of services. (Arguments for and against returning or leaving potential government services to the private sector of the economy are presented on page 97.)

(2) Stimulating the economy of the state to add new jobs, thereby increasing personal income, upon which all revenue collections rely. This will also increase population and resultant strains on environmental quality, natural resources, and government services. (See pages 6 through 93.)

(3) Making major alterations in the revenue system to assure that it is both responsive to the economy and

*Projections are highly speculative.

revenue: a third crisis

equitable in terms of ability to pay, thereby increasing the likelihood that citizens will be willing to devote a larger share of their income to support needed government services.

Governments have three major sources of tax revenues:

- (1) Income tax, based on personal income or corporation profits
- (2) Property tax, based on ownership, or wealth
- (3) Sales tax, based on expenditures, or transactions

Most economists believe that the fairest and most flexible tax system employs all three kinds of taxes (see box) because: (1) each tax responds differently to changes in the economy and when revenue from one might decline,

revenue from the other two could remain stable, and (2) it reduces the possibility that a specific tax rate (e.g., Oregon's income tax) can become so high that it discourages wealth-producing activities.

Oregon voters have rejected various versions of a general sales tax five times. Many argue that, each time, voter opposition grew out of extenuating circumstances (e.g., an upturn in the economy occurred at the time of one statewide ballot, and those who had supported the tax lost interest). Others feel that voters have turned down regressive versions of a sales tax, but would accept a progressive version (see "The Need for Tax Equity"). Legislators have generally accepted a third argument—that Oregon taxpayers do not want major new taxes.

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CHARACTERISTICS OF A HIGH QUALITY STATE-LOCAL TAX SYSTEM*

The Advisory Commission on Intergovernmental Relations has made a comprehensive study of numerous policy recommendations concerning state-local tax and fiscal relationships in its published studies. Commission recommendations for a high quality state-local tax system are:

(1) A state personal income tax that:

Provides for personal exemptions at least as generous as those under the federal income tax.

Employs withholding at the source and conforms to federal technical provisions to assure taxpayer convenience and administrative simplicity.

Collects at least two percent of adjusted gross income as reported by state residents for federal income tax purposes, or 20 percent of federal personal income tax collections.

(Graduated rates are not included as an income tax "must" because a broad-based flat-rate tax can pack both a heavy revenue punch and provide a substantial degree of progression when combined with personal exemptions. Personal exemptions protect the very poor from the exactions of the tax collector and they automatically adjust tax liability for size of family. However, graduated rates produce increased responsiveness of income tax collections to economic growth.)

**State and Local Finances: Significant Features, 1967-1970. See suggested resources under "Action Ideas."*

(2) A sales tax that:

Employs a tax base which covers most personal services as well as retail sale of tangible items.

Makes an outright exemption of food and drug purchases, or employs a system of income tax credits and cash refunds to shield subsistence income from the sales tax collector's reach.

Credits taxpayers for sales and use taxes paid to other states, eliminates charges for audit of multi-state firms, provides for exchange of audit and other information with other states, and permits local governments to "piggy-back" their levy on the state sales tax.

(3) Local nonproperty taxes levied under state laws that:

Limit taxing powers to as large taxing areas as possible, ideally coinciding with the boundaries of trading and economic areas.

Prescribe rules governing taxpayers, tax base, and rates, etc., that are uniformly applicable to all local taxing jurisdictions.

Provide for state-level technical assistance in administration and enforcement.

(4) A local property tax that:

Achieves assessment uniformity (see page 145).

Shields low-income families from property tax overload by using income tax credits or cash refunds.

lines of inquiry

Students might be better able to consider the problems of meeting increased revenue needs if they begin by speculating as to the kind of future society they would like to have. They will also need to have a clear understanding of the need for tax equity and how it is achieved, as well as how taxation can be used as a tool for effecting economic (and therefore social) change.

160 The words "progressive" and "regressive" are often used in political battles over tax proposals to label one or another kind of tax. Students should understand that to a large extent any type of tax can be made either regressive or progressive, depending on how it is structured and allocated.

action ideas

Panel Discussions. Student groups, or students and guest specialists might conduct round-table discussions on the concept of "economy" in government. What do political leaders mean when they speak about economy? What does a financial technician mean when he uses this word? A businessman? How can the speed, courtesy, and intelligence with which a function is accomplished enter into an evaluation of "efficiency" and "economy" in government? What might be examples of false government economy? Are there examples of activities where apparent waste is actually for the best?

Future Planning. Students might describe the way they would like their community to be ten years from now, draw up a budget (see models on pages 273-275) to support the necessary programs and services, and then design a revenue system to support the budget.

Problem Solving. To help students understand the many facets of regressivity, present them with a model of a tax that is regressive and let them revise it in such a way that it becomes progressive in its application.

Resources

Subscribe to the *National Tax Journal*, a publication of the Sloan School, Massachusetts Institute of Technology, Cambridge, Massachusetts, to give students a broad perspective of the issues involved in financing modern governments.

Due, John F. *Government Finances: Economics of the Public Sector*, Richard D. Irwin, Inc., Homewood, Illinois, 1968.

Campbell, Robert. "Oregon's Fiscal Dilemmas and the Alternatives Before Us," School of Community Service and Public Affairs, University of Oregon, Eugene, Oregon, 1968. Conference Report.

Ratner, Sidney. *Taxation and Democracy in America*, John Wiley & Sons, Inc., 605 Third Avenue, New York, N.Y. 10016. \$4.95 (Paperback)

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Because Oregon does not have a sales tax and has made no major alterations in the state tax structure in the past decade, the state has reached the margin of diminishing returns on both of its major tax sources—income and wealth.

(1) From 1959 to 1969 state and local tax levies increased 118 percent, but personal income increased only 87 percent. However, unless another major source of income is found in the coming decade, Oregon personal income tax collections will need to increase as much as three times the rate of personal income.

(2) Although local governments derive approximately 54 percent of their total revenue from property tax, the legislature has given special treatment to timber holdings, farm lands, and personal property during the last ten years and thus has removed a substantial portion of Oregon's growing property tax base. This has caused a significant increase in property tax rates. This probably contributed to a taxpayers' revolt which has forced the state legislature to divert a considerable amount of state tax revenues to property tax relief at the local level.

THE NEED FOR TAX EQUITY

It is important for students to understand the concepts of equity in taxation if they are to understand—the dilemma faced by Oregon legislators,

city councils, and school boards as they try to find acceptable alternatives to the present tax system.

Several factors determine whether any tax (property, income, or sales) is progressive, proportional, or regressive. These factors are (1) exclusions, (2) deductions and exemptions or credits, (3) rate structure, (4) administration, and (5) allocation of revenue.

A "regressive" tax requires the poorer members of the community to pay a greater fraction of their income (or wealth) toward the cost of government than richer members of the community.

Sales taxes are regressive unless: (1) those goods and services essential to maintain a minimum acceptable standard of living are *excluded* from taxation; (2) arrangements are made to give cash refunds or income tax *credits* to low-income groups; (3) revenue from the tax is not allocated for relief of another tax burden. For example, in Oregon the 1969 version of a sales tax which was defeated at the polls appeared progressive because it exempted food and drugs. However, its proposed allocation for general property tax relief rendered it regressive for the following reasons. Because businesses pay the largest share of property taxes, they have the most to gain from property tax relief, plus the fact that individual property owners would have gained less in property tax relief than they lost through sales tax collections. The result of the sales tax proposal rejected in 1969 would have been to raise individual taxes and lower the taxes of corporations and other large property owners.

Property taxes are regressive unless they are efficiently *administered* (uniformly assessed) and provisions are made for tax *credits* or cash refunds for low-income groups. Oregon's property tax is regressive because it does not provide relief for low-income groups. The 1971 Legislative Assembly partially corrected this, but did not provide for renters.

Proportional taxes require everyone in the community to pay the same fraction of his income (or wealth) toward the costs of government, regardless of level of income. Oregon's corporation income and excise taxes are proportional taxes because the same rate is applied to all levels of taxable income.

Today, society favors "progressive taxes," which

require richer members of the community to pay a greater fraction of their income (or wealth) toward cost of government services than poorer members of the community. The federal income tax is progressive. Oregon's income tax becomes regressive beyond the \$35,000 income level. (See page 117.)

FEASIBLE INCREASES IN STATE REVENUE*

What kind of increases in state revenue might escape referral by the voters or stand a chance of favorable consideration if placed on an election ballot or on a special election ballot? This is not easy to judge, and political acceptability would depend on the use made of the revenues and on the net impact on individual taxpayers and voters. However, some suggestions follow:

- (1) Elimination of the federal deduction (\$54 million annually), possibly coupled with some reduction in the rate structure of the state individual income tax (minus \$12 million, net revenue increase \$42 million).
- (2) A 5-cent cigarette tax increase (\$15 million.)**
- (3) A one-half percent state land tax (\$30 million).
- (4) An increase in the corporate income tax rates (\$6 million); i.e., an increase from the present six percent to a seven percent rate for most corporations.
- (5) Recently there has been discussion of utilizing some part of motor vehicle fuels and license revenues (presently dedicated to highway and park purposes) for General Fund purposes, or at any rate for such purposes as mass transit expenditures. The gasoline tax in Oregon is relatively low, and the motor vehicle license fee (\$10) is especially low and is not based on valuation. To use any of these revenues for nonhighway purposes, a constitutional amendment, requiring a vote of the people, would be necessary.
- (6) Notwithstanding the seven to one defeat of a sales tax ballot measure in 1969, talk of a sales tax is beginning to be heard again. The 1969 measure generated especially strong opposition because of some of its specific features.
- (7) The optimistic may wish to add federal

*Edited excerpts from James N. Tattersall, "Property Tax Relief and Budget Alternatives: Oregon, 1971-73," *Oregon Business Review*, March 1971.

**Approved by the 1971 Legislative Assembly, but facing a January 1972 referendum.

lines of inquiry

action ideas

Conflicting Views on Tax Relief. Students might consult the League of Women Voters, the Chamber of Commerce, the Taxpayers Protective Association, or other organizations in your community for their views on taxes.

They should attempt to find out what solutions these groups have for tax problems, and how each group performs in helping the community learn the "facts" about local taxation.

Charting a Course. Make a wall chart listing the alternative plans available to the legislature for raising revenue for the general fund. Over a period of time, as students study taxes, they can analyze each of the plans under three headings: "advantages," "disadvantages," and "political realities." The criteria and the "rules of thumb" listed here may be introduced at an appropriate stage of the deliberations.

Resources

Copies of the Governor's 1973-75 budget proposals, the *Report of the Legislative Interim Committee on Taxation*, and the *Second Biennial Report* of the State Department of Revenue can be obtained by writing to these agencies after the 1973 Legislative Assembly convenes.

Report of the Legislative Tax Study Committee to the 56th Legislative Assembly. State of Oregon, State Capitol, Salem, Oregon 97310, January 1971.

First Biennial Report, 1968-70. Oregon State Department of Revenue, State Office Building, Salem, Oregon 97310.

Jennings, James E. *Oregon's Tax System Versus Systems of Washington and California.* Special Bulletin, 1968, Oregon School Study Council, University of Oregon, Eugene, Oregon.

Cantor, Arnold. "State and Local Taxes: The Case for Reform." *American Federationist*, December 1968. AFL-CIO Building, 815 16th Street NW, Washington, D.C. 20006.

Shoup, Carl S. *Public Finance.* Aldine Publishing Company, Chicago, Illinois, 1969.

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revenue sharing as a potential source of state income for the next biennium. Under President Nixon's proposal, Oregon would receive \$57 million annually in unrestricted revenues. But revenue sharing faces a long and uncertain congressional path, and even the full \$57 million would be insufficient to solve the problems. The major share of responsibility for amelioration of Oregon's fiscal problems rests with the state itself.

Tabulations of answers to a 1971 *Eugene Register-Guard* questionnaire completed by over 4,000 persons showed about 24 percent of the respondents choosing to compensate for property tax reduction through the income tax, 23 percent through a sales tax, and 20 percent through a state hotel-motel tax. Significantly, only five percent said the local property tax revenues should not be replaced by any alternative revenue source, indicating widespread appreciation of the need to maintain service levels.

Following are more detailed discussions of the proposals summarized above, together with proposals for new kinds of taxes.

CRITERIA FOR REVENUE PROPOSALS*

Before going further, it may be well to set forth some desirable objectives of a state revenue program, which we also hopefully have political feasibility. These objectives may be considered as criteria

*Tattersall, *op. cit.*

against which any new state revenue program can be measured. The criteria listed below take into account an assessment of the current political situation in Oregon, as well as such economic criteria as "benefit" and "equity."

(1) Any new revenue proposal should provide substantial and noticeable homeowner tax relief. "Substantial and noticeable" might be defined roughly as at least a 20 percent reduction in homeowner property taxes. (The annual increase in local property tax revenues over the past decade has exceeded ten percent.)

(2) A property tax relief proposal should take into consideration renters as well as owners of homes and farmsteads. The burden of property taxes is reflected in their rental payments, and low-income persons and the aged are probably proportionately more heavily represented among renters than among homeowners.

(3) The Governor's recommended budget (see page 101) could be considered justifiably as a *minimum* level of funding, and some increase above this level would be desirable.

(4) At the present time, increases in new or existing state taxes must be of limited magnitude. For example, a new three percent sales tax or a 50 percent increase in income taxes seems out of the question.

(5) Basic school support should rise above the level provided in the Governor's budget. Some have suggested that the minimum objective should be 25 percent of school operating costs, others that it should be at least the present 21-22 percent. Governor McCall has frequently cited a longer-range objective of 50 percent. Educational groups have espoused the 50 percent and even a 100 percent goal. The 50-100 percent range seems out of reach at present. One important consideration is that increases in state basic school support provide, in effect, "across-the-board" property tax relief to all categories of real property. As will be shown, across-the-board relief is a far more expensive form of tax relief than programs benefiting solely low-income persons, homeowners, and renters.

(6) To avoid referral by the voters, or to give a proposal a good chance of success once referred, any new revenue measure should provide a noticeable net advantage to the majority of taxpayers as compared with the present system. Practically, this means the present combined

state-local tax structure should become more progressive; i.e., the burden should be shifted somewhat from lower- to higher-income taxpayers and/or from individuals to business establishments.*

These criteria can be used to evaluate the various proposals put forward.

SOME RULES OF THUMB IN CONSTRUCTING REVENUE PLANS**

The following rules of thumb may be helpful in evaluating current revenue proposals and also in developing any alternative plans teachers and students may wish to construct as a learning experience:

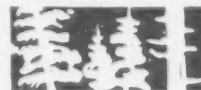
(1) It takes about \$4 million annually to raise the level of basic school support by one percent.

(2) To provide a one percent reduction in homeowners' property taxes (on the average), about \$5 million must be raised if property tax relief is allocated to basic school support and/or to across-the-board property tax relief distributed through some alternative formula.

(3) If property tax relief is restricted to owner-occupied homes, farmsteads, and renters, each one percent reduction in homeowner property taxes costs only about \$2 million annually. (This cost of residential property tax relief could be met either by shifting the burden of local taxes to nonresidential property taxpayers or by appropriating state funds to offset the tax against residential property.)***

It may therefore be an important key to the solution of Oregon's fiscal problems that the restriction of property tax relief to homesteads, farmsteads, and renters requires far less in new revenues than does across-the-board property tax relief. Compromise is of course possible by providing some of each.

This section is devoted to a more detailed analysis of current proposals for property tax relief, increasing general revenues, or reallocating fiscal responsibility for certain services of state and local governments.



*See page 120, "Lines of Inquiry" regarding consumer payment of business taxes.

***Ibid.*

***There should probably be a fourth consideration—the increasing costs of services due to inflation, etc.

lines of inquiry

Students should see the relationship between particular tax programs proposed and the special interests of their advocates.

This section contains a number of recent tax proposals which can serve as case studies for this purpose.

action ideas

Role Playing. Have student groups play the role of particular interest groups: educators, real estate, labor, agriculture, big business, etc. Simulate a committee hearing on the various tax proposals and have students representing the interest groups testify.

Understanding Rates. Are your students confused about how income taxes are levied? For instance, if the tax rates indicate that a \$250,000 income is taxed at 78 percent, does that mean the "take home pay" amounts to only \$55,000? Actually, when we speak of someone being in a 50 percent bracket, for instance, we don't mean he pays 50 percent of his income in taxes. He pays a 50 percent tax only on that part of his income that falls into the 50 percent bracket in the rate schedule. To help clarify this point, obtain the federal income tax rate schedules from the Department of Revenue office nearest you (refer to your old individual income tax return forms for office address) and have students work some problems using both the tax rate times gross income method and the computation called for in schedules provided on the forms.

Resources

Groves, Harold M. *Financing Government*. Holt, Rinehart, and Winston, New York, N.Y. 1964.

Shoup, Carl S. "Taxes: The Collection and Distribution of Your Money: A Special Issue Prepared in Cooperation with the Research Institute of America," *Saturday Review*. Vol. III, No. 12, March 22, 1968.

Goode, Richard. *The Individual Income Tax*. The Brookings Institution, Washington, D.C. 1964.

Cook, Vernon. "Oregon's Tax Problem? Or Tell It As It Really Is," *Oregon Voter*, 206 Graphic Arts Building, Portland, Oregon 97209, May 10, 1970.

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PROPOSALS CONSIDERED BY THE 1971 LEGISLATIVE ASSEMBLY*

In 1971, two definite tax programs emerged in the legislature; they are outlined in Tables 10 and 11. [Neither plan was accepted in its entirety. The legislature voted: (1) to put \$43 million* of state money into property tax relief for all homeowners, including senior citizens, based on income and amount of property tax; (2) to put an additional \$25.5 million into Basic School Support to hold the state's support level the same as for the previous biennium, approximately 22 percent; and (3) to increase the cigarette tax from four to nine cents, producing an estimated \$30 million in increased revenue.]

The differences between the plan in Table 10 and the Democratic plan (Table 11) are in tax philosophy, in ways of distributing property tax relief, and in degree of commitment to funding the 1971-73 budget proposed by the Governor.

The proposal in Table 11 for an income tax rebate of any property tax paid by a homeowner or renter in excess of four percent of his income is essentially a circuit-breaker provision with no upper limit on income.

Capital gains are presently taxed in Oregon in the same manner as by the federal government. Before 1965, capital gains were taxed in the same manner as ordinary income.

* Tattersall, *op. cit.*

Table 10
Plan Proposed by Majority, House Revenue Committee
as of 1 April 1971

	Annual amount (millions)
Sources of revenue:	
5-cent cigarette tax increase	\$13
Current property tax relief account	16**
Subtotal	29
To balance: Reduction in budget and/or income tax increase (\$43 million for the biennium)	21.5*
Total	\$50.5
Uses of revenue:	
\$1,500 true cash value exemption for all homeowners (about \$40 per home)	18
Relief for low-income and elderly persons	11
Maintenance of basic school support at 22 percent level and increased state support to community colleges (enacted; signed by Governor)	15
Prospective budget deficit resulting from new revenue estimates	6.5
Total	\$50.5

*If this amount is not financed through an income tax increase, the 1971-73 general fund budget would be reduced from \$818 million to \$775 million.

**Plus amounts determined by a surplus formula for even-numbered years.

The Democratic proposal is to return to this former practice.

PROPOSED REVISIONS OF THE PERSONAL INCOME TAX

Several changes in Oregon's personal income tax have been proposed, both in and out of the legislature, in recent years.

Removing Ties to Federal Tax Programs. Proposals to eliminate the federal income tax deduction and discontinue use of the federal income tax base are frequently heard in Oregon.

Because Oregon uses the same base for its individual income tax as the federal government, the state can suffer unexpected tax loss if Congress decreases federal income taxes. (See page 115.)

Because Oregon allows the federal tax deduction, it is also subject to unexpected tax losses if Congress increases federal taxes. The Department of Revenue estimates that for the 1971-72 tax year approximately \$54 million in additional

Table 11
Plan Proposed by Senate and House Democratic Leadership
as of 1 April 1971

	Annual amount (millions)
Sources of revenue:	
Increase in personal income tax	\$30
Repeal of 1965 capital gains tax provision	15
Increase in corporate income tax and in insurance company tax	9
Current property tax relief account	16
Total	\$70
Uses of revenue:	
4 percent of income limitation on homeowner and renter property taxes	22
Increase in basic school support to about 27 percent	27
To balance state budget (and/or additional funds for cities and counties)	21
Total	\$70

revenue could have been raised in Oregon if taxpayers had not been allowed to deduct federal taxes from their state income tax bills.

This would have meant a considerable increase in the average tax paid by an individual. However, about 20 percent of the increase in revenue from this source would be cost free to Oregonians because it would come as a transfer from federal taxes to state taxes. Thus, while elimination of the federal deduction would increase Oregon income tax revenues approximately 20 percent, the taxpayer would experience an average 16 percent increase in his state income tax.

Deduction of the federal income tax paid also has another effect on the state tax:

"Although the Oregon tax is a progressive tax with rates among the highest in the nation and steeply graduated, the federal deduction makes it less progressive than it would be otherwise. The higher a person's federal taxes, the lower his taxable income in the state will be.

"All income above \$35,000, after the federal deduction, is taxed at the same rate, so that above that figure the tax ceases to be progressive. . . .

"In addition, the Oregon rates progress less steeply in the upper brackets than the lower ones, and many Oregon taxpayers have now moved into the top two or three brackets where there isn't much progression. Some states have

lines of inquiry

action ideas

Students could learn a great deal about the effect of rate changes by obtaining current collection figures from the Department of Revenue, updating Table 12, and working out their own proposals for increasing income tax yield or changing the progressivity of the tax.

supporting information

avoided this problem by increasing the number of steps in the schedule of rates, particularly in the middle and upper income brackets, and by setting the top bracket higher.**

Revising the Tax Rate Schedule. Governor McCall's Fiscal Study Task Force has hypothesized two kinds of changes in Oregon's rate schedule and projected revenue estimates based on 1968 income levels (Table 12).

The table is outdated in terms of probable tax yields, but can be usefully studied as an indication of how various tax rate schedules affect yield. (See Action Ideas.)

PAYROLL AND NET RECEIPTS TAX PROPOSALS

In 1969, John Mosser, a former Director of Finance and Administration for the State of Oregon, presented the Legislative Assembly with a plan calculated to raise \$225 million a year for education, and permit a 75 percent cut in property taxes for rural areas and a 50 percent cut for Portland. In other words, property tax would be used primarily to support city and county government.

The plan was a simple one. It proposed a two percent levy on net income and a two percent tax on payrolls, the latter to be paid by employers. Mosser estimated that the \$225 million yield would more than double the amount a three percent sales tax would raise.

* Taxes, Services and You. League of Women Voters, 1441 S.E. 122 Avenue, Portland, Oregon 97233. 1970.

Such a plan would require a constitutional amendment.

Mosser contended that the proposed tax plan was progressive and that a \$600 per individual personal exemption could be built into it. In addition, the two percent payroll tax, to be paid by employers, would compensate for the big reduction in property taxes, and business pays the bulk of property taxes.

Ordinarily, a payroll tax is a regressive tax because it takes a larger percent of a poor man's income than it takes of a rich man's income. However, it can become a progressive tax by the application of a graduated rate structure, or by the manner in which it is distributed. (Social Security taxes are regressive unless the benefit payments are considered.)

A two percent net receipts tax on individual incomes would be, for most taxpayers, a surtax measured by gross income. Thus, it would be a proportional tax.

The 1967 Legislative Assembly rejected proposals to give Portland, Salem, and Eugene the power to levy payroll taxes. The proposals were defeated by legislators representing the urban ring around Portland who objected to the idea of nonresidents who earn their living in the city of Portland sharing the cost of city services.*

Taxing Non-Resident Commuters. Oregon taxes income on the basis of residence in the state. Those who oppose levying the tax on people who work in Oregon and live in neighboring states argue that it would be very difficult to administer and enforce. On the other hand, failure to do so may cause the loss of considerable tax revenue (e.g., from workers in the Portland-Vancouver area), according to the Fiscal Study Task Force.

PROPOSALS FOR LOCAL INCOME TAXES**

Local governments have relied heavily upon the property tax as a source of revenue, but as the number and cost of services have increased, it has become necessary for them to seek other major sources.

Many tax studies have concluded that it is generally more desirable and more economical for the major nonproperty taxes to be levied on a statewide basis rather than by individual local jurisdictions, because uniform tax policies can

be established by this approach and competition among local governments is reduced.

However, state governments have financial problems of their own, and as a practical matter, they have been unable to achieve major reforms in intergovernmental fiscal relationships. In Oregon, the amount of state payments to local governments has increased but the rate of increase of expenditures of local government has been even greater and state payments have therefore actually provided a decreasing proportion of the total amount required for local service.

Because it has not been possible to bring about sizeable increases in state support for local government in most states there has been greater use of locally imposed nonproperty taxes. Such locally imposed taxes are usually of two types:

- (1) Taxes levied and collected by the local governments themselves
- (2) Taxes levied locally as a supplement to an existing state nonproperty tax with the state collecting the tax.

Local nonproperty taxes have certain advantages which state levied taxes for local government frequently do not possess. They permit local control of revenues and expenditures and more flexibility exists for response to community problems. Local governments in 27 states levied local income and/or general sales taxes in 1969.

The Municipal Income Tax. This tax is being used more widely today because:

- (1) It is a significant revenue producer.
- (2) It is highly responsive to inflationary trends.
- (3) As utilized by cities, it taps those who use city services but do not directly contribute financially.
- (4) The administrative costs are comparatively low.

Local income taxes appear under a variety of designations and they rarely resemble the more familiar type of income tax imposed at the federal or state level. Regardless of the various names employed (earnings tax, earned income tax, wage tax, payroll tax, occupational license tax, and net profits tax, as well as income tax), all of these taxes have one characteristic in common. They all apply to income with liability

*According to news analysts, among them Floyd McKay, in a *Statesman* report, April 26, 1967.

** *Local Government Finance*, a newsletter published by the Bureau of Governmental Research and Service, University of Oregon, in cooperation with the Oregon Finance Officers Association, July 1970.

for the tax resting entirely on the individual or business entity which earns the income. Most cities define taxable income to include both earnings or adjusted gross income of individuals and net profits of business enterprises. Taxes enacted prior to 1960 usually applied to salaries and wages for residents and net profits of corporations but other forms of income have been included in more recently imposed taxes.

Portland adopted a form of the city income tax in 1951. Businesses and professions may pay license fees measured by either gross revenues or net income. The present Portland tax is not applied to salaries or wages of individuals.

In 1969, the Oregon legislature enacted legislation which enabled metropolitan areas* to form transit districts and these districts were given authority to levy taxes, including income taxes, to finance their operations. Subsequently, the Tri-County Metropolitan Transit District was created in the Portland metropolitan area and a tax was levied on the employers in these counties with the tax base being the salaries and wages paid to employees. Technically, the Tri-Met tax is a payroll tax rather than an income tax.

In Oregon, the home rule powers of cities and counties provide adequate authority for the governmental units involved to enact such taxes. However, because only four of

Resource

"Are You Taxed Fairly?" *Christian Science Monitor*. A series of ten articles on taxation appearing in weekend issues between March 14 and April 16, 1970.

*Oregon's three standard metropolitan statistical areas are Eugene, Portland, and Salem.

Table 12
REVENUE ESTIMATES FOR INDIVIDUAL INCOME TAX USING
TWO HIGHER RATE SCHEDULES AS APPLIED TO 1968 LEVELS OF INCOME

Income Class (Thousands)	1958 Individual Income Tax Collection (Thousands)	1969 Individual Income Tax Collections ^P (Thousands)	1969 Individual Income Tax Marginal Rates (Percent)	Hypothetical Collections at 1968 Level of Income: Rate Plan A ^{a/} (Thousands)	Rate Plan A Marginal Rates (Percent)	Hypothetical Collections at 1968 Level of Income: Rate Plan B ^{a/} (Thousands)	Rate Plan B Marginal Rates (Percent)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
0-1	\$ 188	\$ 89	4.0%	\$ 188	4.0%	\$ 188	4.0%
1-2	1,463	1,121	5.0	1,463	5.0	1,463	5.0
2-3	2,381	2,150	6.0	2,381	6.0	2,381	6.0
3-4	3,433	3,083	6.0	3,433	6.0	3,433	6.0
4-5	4,651	4,372	7.0	4,651	7.0	4,651	7.0
5-6	5,982	5,570	7.0	5,977	7.0	5,977	7.0
6-7	8,162	7,571	8.0	8,162	8.0	8,162	8.0
7-8	10,599	9,595	8.0	10,599	8.0	10,599	8.0
8-9	12,275	11,435	9.0	12,275	9.0	12,275	9.0
9-10	12,791	12,557	9.0	12,791	9.0	12,791	9.0
10-11	12,689	12,665	10.0	12,689	10.0	12,689	10.0
11-12	12,130	12,167	10.0	12,130	10.0	12,130	10.0
12-13	11,131	11,422	10.0	12,244	11.0	12,244	11.0
13-14	10,086	10,341	10.0	11,102	11.0	11,102	11.0
14-15	8,494	8,919	10.0	10,200	12.0	10,200	12.0
15-20	25,775	26,762	10.0	33,491	13.0	30,915	12.0
20-30	18,360	16,664	10.0	25,715	14.0	22,042	12.0
30-40	8,506	6,457	10.0	12,762	15.0	10,210	12.0
40-50	5,472	3,792	10.0	8,207	15.0	6,566	12.0
50-60	3,564	2,350	10.0	5,344	15.0	4,275	12.0
60-70	2,359	1,513	10.0	3,539	15.0	2,831	12.0
70-80	1,366	1,005	10.0	2,051	15.0	1,640	12.0
80-90	1,155	649	10.0	1,733	15.0	1,387	12.0
90-100	735	463	10.0	1,101	15.0	882	12.0
100-150	1,911	1,071	10.0	2,866	15.0	2,293	12.0
150-200	870	429	10.0	1,306	15.0	1,045	12.0
200-300	882	324	10.0	1,323	15.0	1,058	12.0
300-500	587	444	10.0	880	15.0	704	12.0
500-Plus	613	344	10.0%	919	15.0%	735	12.0%
Total	\$188,610	\$175,324		\$221,534		\$206,885	

P- Preliminary a/ Estimates based on rates applied to joint returns.

UNEQUAL TAX BURDENS*

The tax burden doesn't fall equally on every taxpayer. . . .

Take first the example of Charlie Green, an imaginary but typical taxpayer . . . In 1968 Charlie, who has a wife and two children, earned \$12,000 . . . His total taxes came to \$4,080, or 34 percent of his income, and were split up this way: federal income and excise taxes, \$1,826; social security contributions, \$343; state income and sales taxes, \$610; local taxes, almost entirely on his property, \$1,301.

Then take the income of Fred Black . . . Last year he earned a total of \$250,000-\$150,000 from his practice

and another \$100,000 from real estate sales, oil royalties, farm income, rental income from apartments, and interest on municipal bonds.

Because of the tax shelter these various investments provide, he paid total taxes of only \$15,000 or 6 percent of his income. A loss on his farm and the depreciation on his apartment buildings provided the bulk of his tax shelter. . . .

Mr. Black's income and accumulated investments give him borrowing power, or leverage, to work with. Explained his accountant, "Certain of these investments, such as the apartments and farm, will eventually produce taxable income. Certain other steps could be taken at

that time such as making a tax-free transfer to a corporation which would be taxed at lower rates or sale of the properties at long-term capital gain rates and using the installment method of reporting the gain."

It is easy for Mr. Black to accumulate capital, since so much of his income goes untaxed in the early years of investment. But it is almost impossible for Mr. Green to accumulate anything after taxes except the equity in his home, some life insurance, and possibly a savings account.

*Richard A. Nenneman, *The Christian Science Monitor*, March 14-16, 1970.

lines of inquiry

action ideas

Problem Solving. Students might imagine that they are commuters who live outside a city but are employed within the city in order to compile a list of the possible services that commuters enjoy without sharing the tax burden to support such services. Then they might discuss how a more equitable situation could be brought about.

Resources

For additional background on the problems faced by Oregon's growing urban and suburban areas, teachers should obtain copies of the minutes of the House Tax Committee of the 1971 Legislative Assembly when it held hearings dealing with Senate Bills 676 and 678. Also, contact Mrs. Connie McCready, Portland City Council, City Hall, Portland, Oregon, for information concerning the research she has done in this area.

Chatters, Carl H., et. al. *Financing Metropolitan Government*. Princeton: Tax Institute, Incorporated, 1955, 295 pp.

Galbraith, John K. *The Affluent Society*. Houghton Mifflin Company, Boston, Massachusetts, \$6.95, 1969.

supporting information

the 36 counties have home rule charters, most counties could levy the tax only if a state enabling statute were enacted by the legislature. Likewise, school districts have no authority to utilize this source of revenue.

In Oregon, the state government has already taken some actions to facilitate use of the income tax by local governments:

(1) The Department of Revenue may enter into agreements with local governments to collect, enforce, administer, and distribute local income and sales taxes.

(2) Any city or county which enacts an ordinance for the collection of an income tax may deduct such taxes from the salaries and wages of state employees and other persons who fall within the jurisdictional limits of the ordinances enacted.

(3) Three local units (SMSA's)* may create mass transit districts in metropolitan areas and adopt income taxes.

Model Ordinances. Model ordinances have been used quite extensively by local governments levying income taxes, partially because of the need to resolve the inter-jurisdictional problems which result from taxing residents and nonresidents. The National Institute of Municipal Law Officers has prepared a model ordinance which has been used extensively by cities utilizing earnings and net profits taxes.

*Oregon's three standard metropolitan statistical areas are Eugene, Portland, and Salem.

Tax Base. Local governments using the income tax have defined the tax base in a variety of ways, but generally they have favored simpler definitions than those employed under federal and state income tax laws. This choice has been made on the basis of considerations of administrative convenience and legal limitations as well as policy considerations.

 **Income subject to tax.** Most local income taxes apply only to income earned (a) by residents of the taxing jurisdiction regardless of where earned and (b) by nonresidents earned within the jurisdiction. Many taxing units allow residents a tax credit for taxes paid on the same income to another local taxing jurisdiction.

Businesses generally pay the tax on the basis of net profits earned within the taxing jurisdiction. The problem of allocating income as between different taxing jurisdictions is one of the most difficult encountered in local income taxation because so many businesses derive income from business conducted in a number of locations both inside and outside the taxing jurisdiction. There are several ways to allocate business income for income tax purposes. Under the "Massachusetts Formula" the proportion of a firm's income subject to taxation is equal to the proportion of its total sales, property valuation and payrolls in the taxing jurisdiction, with each of the three factors receiving equal weight. Pennsylvania localities use a formula which averages ratios of a firm's physical assets, gross receipts and payrolls. Some localities apply a two-factor formula based on payrolls and sales.

 **Exclusions.** The tax base as defined by most local income tax ordinances excludes dividends, interest, capital gains, military pay, pensions, disability and unemployment benefits, earnings of minors, and the income of religious and other nonprofit organizations. However, more recently enacted ordinances have provided fewer exclusions thereby bringing the taxable income more in line with the state and federal income taxes. A major reason for exclusions is that they simplify administration. Some local taxing units rely solely upon earned income and collect the tax entirely through withholding. Those jurisdictions that require filing of returns also find it desirable to exclude certain types of income because of the difficulty of auditing.

 **Exemptions.** Only a few local governments allow personal exemptions. Michigan cities allow both residents and nonresidents a \$600 personal exemption for the taxpayer and each dependent. New York allows \$600 exemptions for residents but not for nonresidents. (New York's non-resident tax is a very simple flat rate on gross personal income, while its resident tax is more elaborate.) Baltimore allows an exemption of \$800 for the taxpayer and each dependent.

 **Deductions.** The administrative problems associated with exclusions are also inherent in allowing deductions. New York City's income tax on residents is the only locally administered tax which allows deductions.

Tax Rates. The rate levied most frequently by those governments using the tax is one percent of earnings of individuals and the net profits of corporations. Local governments in eight of the ten states employ flat rates ranging from 20 percent for some of the small cities and villages in Pennsylvania to 3 percent in Philadelphia. In Maryland, the rate levied varies from 20 to 50 percent of the state income tax and in Bernalillo County, New Mexico, the rate is 43 percent of the state tax. In New York City, residents are taxed according to a graduated scale and nonresidents pay a flat .25 percent modified by a schedule of exclusions relating to earnings levels.

The tax rate for residents and nonresidents is similar in most jurisdictions but in Michigan, nonresidents are taxed at one-half the rate of residents and in Williamsport, Pennsylvania, nonresidents are taxed at twice the rate of residents. Studies in Cincinnati, Ohio, and Saginaw, Michigan, indicate that approximately one-third of their tax revenue comes from nonresidents.

Tax Effectiveness. One of the principal arguments advanced by proponents of local income taxes is that the tax yields a significant amount of revenue at low rates without inequities or distortions of any large amount. The local income tax is a proportional tax in most cities and it thereby acts as a counterbalance against the regressive feature of some of the other consumption and property taxes and the graduated rates of federal and most state income taxes.

The amount of funds derived from a local tax varies considerably according to the type of

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income included in the tax base. If adjusted gross income for individuals were used as the tax base, the estimated tax receipts would be approximately 20 percent greater for the three largest cities in Oregon than if total wages earned within the city limits were used as the tax base. Likewise, estimated tax receipts from adjusted gross income are 76 percent greater than the amount of tax funds derived from the taxable income (the amount of income to which tax rates are applied on state income tax forms). Estimates of various tax bases and the tax receipts derived from a one percent income tax are listed for Portland, Eugene, and Salem in Table 13, page 175.

Cost of Administration. Administrative costs depend upon the complexity of the tax structure, the degree of effort devoted to enforcement, and the extent to which the provisions of the local tax are similar to the state or the federal government. In a survey conducted recently by the Bureau of Governmental Research and Service for the city of Salem, 35 cities reported collections costs varying between two and five percent. Under new procedures established by the legislature, costs to Oregon local governments should be under two percent.

One possibility of minimizing the cost of local income tax administration is to contract or otherwise arrange with a

state agency to collect the tax for several jurisdictions. In Michigan, legislation was adopted in 1967 permitting cities that have adopted the uniform city income tax to contract with the Treasury Department of the state to enforce and collect income taxes beginning January 1, 1970. The cost to Michigan cities is two percent of the tax collected. The Oregon Department of Revenue has similar legal authority, and is already collecting the payroll tax being levied by the Tri-Met District in the Portland metropolitan area, and by the Eugene metropolitan area.

The tax rate has a considerable effect upon the administrative costs expressed as a percentage of collections. For example, the administrative costs of collecting a one-half of one percent tax are about the same as collecting a one percent tax. Therefore, it is safe to assume that if a city has an income tax rate of one-half of one percent and the administrative cost expressed as a percentage of collection is three or four percent, the administrative cost would be two percent if the rate were increased to one percent.

Enforcement. Much of the success of city income taxes is directly attributable to the almost universal requirement that the tax on salaries and wages be withheld at the source. Many of the cities do not even require the employee to file an income tax form since studies have shown that the withholding process covers up to 85 percent of the taxpayers and requiring a tax form other than an employment statement has not been worth the cost involved in processing and auditing. Most recent taxes which have been adopted, however, require the filing of an income tax form. When no returns are filed, the tax becomes a wage tax for those who are employed within the taxing jurisdiction.

Relation to Property Tax. While local income taxes are not large compared to the property tax, they provide significant amounts of revenue to those cities that use them and, in general, the property taxes are lower in the major cities which use city income taxes than in those which do not. Likewise, a study by the Tax Foundation indicates that per capita property taxes have risen by markedly smaller percentages in the income tax cities. The Tax Foundation concludes that "...the income tax has not been

as much a supplemental revenue source as a substitute for existing taxes."

In determining the feasibility of introducing an income tax, a local government faces a series of difficult questions. These include such considerations as revenue adequacy, administrative feasibility, economic impact, equity and compatibility with existing revenue and tax structures.

LEVY AND ALLOCATION OF MOTOR VEHICLE EXCISE TAXES*

Proposals to levy new taxes on the list price of automobiles, pickup trucks, and motorcycles, and the corresponding "use" tax on new or relatively new vehicles of the same type purchased in another state for use in Oregon, bring up the question of whether all the revenues from these taxes are required to be allocated to the highway fund. The wording of the Constitution of Oregon is not completely clear on this point. The relevant section of the constitution is as follows:

"No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied. The proceeds from any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation, or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles, and the proceeds from any tax or excise levied on the ownership, operation, or use of motor vehicles shall, after providing for cost of administration and any refunds or credits authorized by law, be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation, use and policing of public highways, roads, and streets within the State of Oregon."

The key words would seem to be "... proceeds from any tax or excise levied on the ownership, operation, or use of motor vehicles. ..." There is no mention of "purchase" or "sale," so that it probably can be presumed that an excise tax on the sale at list price could go into the General Fund. It specifically states, however, that a use tax would have to be allocated to the highway fund.

The proposed excise tax on lubricating oil used in highway motor vehicles may bring the same

*Edited excerpts from the Governor's Fiscal Study Task Force report.

lines of inquiry

action ideas

An Inquiry Approach. Highways and public utilities are paid for by the users. Each user pays in proportion to the amount used. Students might speculate about how an education system might be supported in the same manner as our highway and public utility systems. What advantages and disadvantages might accrue? What changes in our basic philosophy of education would be necessary?

supporting information

type of allocation-of-revenue problem. But because lubricating oils are necessary but not sufficient for "propulsion of motor vehicles," taxes on them can be allocated to the General Fund. A motor vehicle with sufficient amount of lubricating oil in the crankcase is not capable of propulsion (at least from internal sources) if there is no fuel in the carburetor.

Pros and Cons of "Trust Fund"* Financing. Arguments in favor of trust fund financing include the following:

(1) It assures highway programs of more stable sources of financing than did the former practice of financing highway programs from general, nondedicated revenues. This allows highway administrators to make long-range plans for highway development, and allows them to implement these plans in an orderly and efficient manner. The former practice of financing may not have been adequate to finance the highway and street needs which expanded so rapidly after World War II. At the federal level, the Highway Trust Fund was set up in conjunction with full-scale implementation of the Interstate Highway Program, which set the federal share of financing at 90 percent. The trust fund has undoubtedly helped to assure the availability of the federal share.

(2) As long as the public continues to rely ever more heavily on the automobile to

Resources

Astle, David J. *Description and Analysis of Oregon's Fiscal System, Area 19—Finance of Transportation—Part One: Financing of Highways*. College of Business Administration, University of Oregon, Eugene, Oregon, January 1971.

Biennial Report of the Oregon State Highway Commission. Oregon State Highway Commission, Salem, Oregon 97310.

Report of the Legislative Interim Committee on Highways, 1969. Oregon Legislative Interim Committee on Highways, Salem, Oregon 97310. 1968.

*Earmarked funds (see page 126).

TABLE 13
ESTIMATES OF TAX BASES AND REVENUE
WHICH WOULD HAVE BEEN DERIVED FROM A LOCAL INCOME TAX
OF ONE PERCENT IN 1968
(in millions)

Type of Income	Portland		Eugene		Salem	
	Tax Base	Tax Receipts	Tax Base	Tax Receipts	Tax Base	Tax Receipts
Adjusted Gross ¹	1650	16.5	338	3.3	226	2.2
Residents	1152	11.5	221	2.2	168	1.7
Nonresidents	498	5.0	117	1.1	58	.5
Taxable Income ²	920	9.2	189	1.9	125	1.2
Residents	642	6.4	124	1.2	88	.8
Nonresidents	278	2.8	65	.6	37	.4
Income from Wages ³	1349	13.5	273	2.7	184	1.8
Net Corporate Income ⁴	150	1.5	22	2.2	23	2.3

¹ Adjusted gross income includes all revenue reported on U.S. income tax form.

² Taxable income is that income to which U.S. income tax rates are applied after exemptions and deductions are subtracted from adjusted gross income.

³ All wages earned within city limits. Estimates derived from income reported on U.S. income tax return.

⁴ Net corporate income derived from business transacted within city limits.

Source: Oregon State Department of Revenue

meet its transportation needs, and current projections indicate this trend will continue, there will be a continued need for revenue to finance highway improvement projects. The trust fund approach to financing assures the availability of at least part of this revenue.

(3) The money receipted into trust fund coffers comes from highway users in proportion to highway use. It is, in effect, a direct payment by highway users for the benefits they receive from use of the highway system. It appears logical to many people that, as long as these users demand more and better highway facilities, and evidence their willingness to pay highway user charges at a rate sufficient to finance these improvements, highway improvements should have first priority in the use of their funds.

Arguments against trust fund financing include the following:

(1) It singles out financing of the highway program for top-priority treatment among other governmental programs. For example, the financing of kindergartens and/or other services cannot be financed in this way. Thus, this approach to government financing is perhaps only appropriate when new programs, like mass transportation today, are initiated. It is highly questionable whether the highway program

should receive top priority in a time when there are many other obviously important and unfulfilled needs demanding public attention and financing.

(2) The "vicious cycle" effect of trust fund financing could lead to the extreme situation where our dependence on automotive transportation has such seriously detrimental effects on our environment that our cities have become an ugly maze of highway interchanges, ramps and bridges, urban sprawl, encouraged by automobile use, has consumed all open spaces in the Willamette Valley, traffic congestion in the rush hours is no better than ever, and we have begun to choke to death on automobile-generated air pollution. The trust fund concept, if applied then as it is today, would require that, despite this intolerable situation

(much of it caused by automobile and highway use), we could not spend highway user funds for anything but more highways, thus perpetuating all of these problems.

Although this appears to be a gross exaggeration of what might occur in Oregon should trust fund financing continue unaltered far into the future, it is forebodingly, a rather accurate description of what has happened in the Los Angeles area. There, for the most part, people encouraged by the highway lobby still cannot bring themselves to admit that the trust fund concept might better be modified to allow expenditure of highway user revenue for purposes which might help to alleviate some of the serious problems which have arisen in trying to solve the transportation problems of the area with automobile-oriented approaches.

POTENTIAL OF A GENERAL SALES TAX

A Portland executive who spearheaded statewide meetings to oppose passage of the one and one-half percent limitation petition (Ballot Measure No. 7) in the 1968 general election

lines of inquiry

action ideas

Simulate a "think tank" situation in which class members propose solutions to the conflict between those who demand lower taxes and reduced government expenditures and those who demand more and better government services on the other.

supporting information

published a report of those meetings in 1969 which made the following proposal.*

"The central fact about any plan for general property tax relief is that to provide substantial, 'feelable' relief, it must be funded with new state revenues of at least \$100 million per year.

"To put the matter in perspective, it must be kept in mind that the personal income tax is currently yielding about \$175 million per year, while the corporation excise tax, the state's basic tax on business corporations, brings in about \$50 million per year. The rates on both these taxes are not low, indeed, our income tax rates are higher than most. The amount of money needed for property tax relief is far more than can be raised even with a combination of minor new or increased taxes; it requires either the imposition of a sales tax or a radical restructuring of the income tax.*

"The proposal most frequently suggested was for the adoption of a three percent general sales tax, but with food and drugs exempt. The Tax Commission has estimated that such a tax would produce about \$90 million per year, or very nearly the amount needed to provide 25 percent across-the-board property tax relief.

"One package the legislature should be urged to consider would be the adoption of such a sales tax, coupled with the dropping of the federal

Resources

Calmus, Thomas W. *Description and Analysis of Oregon's Fiscal System: Area 9—State General Sales Taxes*. Graduate School of Management and Business, University of Oregon, Eugene, Oregon, 1970.

Due, John F. *Sales Taxation*. University of Illinois Press, Urbana, Illinois, 1957.

Goldhammer, Bernard. *Projecting the Long-Range Needs of Local Government in Oregon*. Mimeographed by Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon, 1968.

Yturri, Anthony, Hart, Floyd H., Johnson, Sam. "Property Tax Relief and Sales Tax." Argument in favor of Measure No. 1, 1969. (Available from State Library, Salem, Oregon 97310.)

*The figures in this paragraph were estimates. Final collection figures were \$173 million from personal and \$31 million from corporation income taxes.

income tax deduction from the income tax (thus curing the present "bunching" of the load on middle income taxpayers), but also reducing the income tax rates so that the new take would be held down to \$10 to \$20 million dollars per year. Advocates of this approach point to a number of positive factors:

(1) Exemption of food and drugs would considerably soften its impact on people with moderate or fixed incomes.

(2) It would require tourists to pay at least some tax to Oregon.

(3) It would enable us to have lower posted (as opposed to 'effective'), rates, which many people think to be a psychological advantage in securing new industry."*

Transactions as a Tax Base. As noted earlier, transaction taxes are taxes that use sales as the base to which the rate is applied. Sales are a good measure of economic activity and money is available at that time to pay a tax. There are various kinds of transaction taxes:

(1) General or retail sales taxes

(2) Excise taxes on selected goods such as cigarettes or gasoline

(3) Taxes on certain services such as a motel and room tax

(4) Value added taxes (on the increase of value that takes place at various stages through which a commodity passes on its way from initial production to the final sale to the consumer)

The Governor's Fiscal Study Task Force completed a detailed study of several kinds of transaction taxes. The following are edited excerpts from that report.

(1) **Neutrality.** One of the main arguments in favor of a sales tax is that such a tax is neutral with respect to the economic incentives of the taxpayer. The neutrality of the sales tax is usually compared with the nonneutrality of the income tax. The income tax is believed to have nonneutral effects on incentive to work and new capital formation. This is especially true of income taxes with highly progressive rates. Sales taxes are believed to have less of a deterring effect on work incentives than income taxes. Consumers can avoid part of a sales tax by saving part of their income (spending less) and

hence it should not affect their desire to work, but only change the mix between saving and consumption. The consumer cannot avoid the income tax except by taking more leisure or working less. This is so because saving is part of income and is subject to tax. Highly progressive income taxes would have dampening effects on individuals' desire to work.

With respect to the effect on investment and capital formation, an income tax hits both saving and consumption. This discourages savings and hence reduces the amount of funds available for new investment. Sales taxes only hit consumption and not saving. Therefore, the incentive to save and invest is not affected by such a tax.

(2) **Equity.** The income tax discriminates against individuals who have not accumulated wealth as compared with those who have. Because an income tax is imposed on saving as well as consumption, it makes it harder for the individual to acquire wealth. A sales tax does not cover saving and hence makes it easier to accumulate wealth. At the same time a sales tax will hit spending from previously accumulated wealth while an income tax will not. Third, a sales tax forces everyone in the economy to bear a part of the cost of government no matter what the individual's circumstances. Individuals who are able to escape the income tax will be paying at least some tax.

The main and often only objection to the use of state sales taxes is that they are regressive. That is, individuals in the lower income classes pay a larger proportion of their income in sales taxes than individuals in higher income classes. The tax puts a relatively heavy burden on those who are least able to bear it and hence the tax is inequitable or unfair.

As mentioned previously, the Advisory Commission on Intergovernmental Relations has indicated that some states have found the means for "pulling the regressive stinger"—either an outright exemption of food and drug purchases, or a system of income credits and cash refunds to shield subsistence income. (See page 159.)

(3) **Administration and Compliance.** One of the best arguments in favor of a sales tax is the relative ease of administration and compliance. This is especially true at all levels of government below the national level. Although initial

*Roy N. Vernstrom, *Property Tax Relief: A Private Citizen's Report to the 55th Legislative Assembly of the State of Oregon, 1969.*

determination of what is and what is not taxable is difficult, a sales tax is usually more clear-cut in this regard than an income tax or expenditure tax. Hence, with the aid of simple guidelines or rules, it is fairly easy to determine the taxpayer's liability for ordinary consumption purposes. When extended to business machines and supplies, determining taxpayer liability is much more difficult. Furthermore, because the tax is usually imposed on business as the legal taxpayer, the number of taxpayers will be small relative to an income tax.

(4) Balance in a Federal System. In a multi-level government system with different taxing jurisdictions at different levels and a national government that puts major tax emphasis on individual and corporate income taxes, it is not practical for states to depend on these same taxes for all their revenue needs. State government can place major emphasis on sales taxes and thereby raise significant amounts of funds from a different revenue source. Such a division of tax sources between different levels of government may be viewed as giving balance to the whole tax structure with the federal government using income taxes, state government relying on sales taxes, and local government imposing property taxes.

(5) Allocation of Resources. If the base of a retail tax were limited to consumer spending,

the tax would be neutral in its effect on consumer demand among commodities and services. But in practice, most state sales taxes are neither completely general nor limited to consumer spending. Since some goods and usually most services are exempt from the tax base, the consumer has an incentive to spend less on the taxed items and spend more on the nontaxed items. Thus, consumption expenditures and production will be greater for the nontaxed activity than it would have been without the tax. On the other hand, consumption expenditures and production will be lower in the taxed area than it would have been without the tax. This will result in a distortion of consumer preferences and a misallocation of resources from the point of optimum allocation of resources for the economy as a whole.

(6) Economic Stabilization. While stabilization policy is usually viewed as the responsibility of the national authorities, state tax policies may hinder national stabilization goals. A sales tax is generally considered superior to an income tax as an anti-inflationary tool because the impact of a sales tax is greater on those income classes (lower classes) that tend to spend a larger proportion of their income. But a sales tax will have the reverse effect during a period of unemployment or recession. The sales tax would be considered as undesirable from the stabilization point of view only if one expected the economy to be faced with more periods of unemployment and recession than inflationary periods.

POTENTIAL EXCISES FOR OREGON

Given the fact that emphasis on excise taxes is relatively low in Oregon, if state government policymakers decide that the financial needs of the state require new sources of tax revenue, there appears to be some justification for introducing new excise taxes in the state tax structure.

Governor McCall's Fiscal Study Task Force made a number of proposals for new excise taxes. Table 16 is a summary of its proposals, along with proposed rates, collection estimates, and indicators of regressivity. Table 17 shows the major types of excise taxes imposed at the state level and the number of states imposing the tax.

The task force used the following rules and standards in selecting or rejecting the proposed excise taxes:

- (1) Do not impose excise taxes on items that are largely purchased by business for use in further production.
- (2) Do not impose excise taxes on items that have very regressive burden patterns. Slightly regressive, proportional, or progressive are acceptable.
- (3) Do not impose excise taxes on items which will require payment by a large number of taxpayers. This would exclude most excises at the retail level. Excises at the wholesale, producer, or distributor level are acceptable.
- (4) Do not impose excise taxes on broad categories of items. Specific and well-defined commodities are acceptable.
- (5) Do not impose excise taxes on items that are likely to bring very small amounts of revenue.

HOTEL AND MOTEL ROOM TAX POTENTIAL

Most states have sales taxes of some form applicable to transient lodging. A hotel occupancy tax as a state tax is used in only a few states, however. Massachusetts furnishes an example.

The Massachusetts room occupancy excise originally set at five percent rate was increased to a 5.7 percent rate effective August 1, 1969. The increase was made through adding a 14 percent surtax to the original five percent rate. No excise is imposed if the total rent or its equivalent is less than \$2 a day.

Revenue from this tax for 1969 was \$2,246,455, and for 1970 was \$6,403,155. Two-thirds of the receipts are credited to the General Fund and one-third to the Tourism and Industrial Promotion Fund. The estimated direct administrative cost of collecting the Massachusetts "room occupancy tax excise" is \$61,156 (or about one percent) for 1970.

In Vermont, receipts from a meals and rooms tax go into the General Fund. The collections are not sent back as revenues for governments in the area in which they are collected. The Vermont tax base is three percent of rooms rental, three percent of meals (\$1 and up), and five percent of gross receipts. Revenue collec-

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Understanding Relative Amounts of Money. Ask students to determine how long it would take them to spend one million dollars if they spent at the rate of a dollar per minute, 24 hours a day, (1,902 years.)

supporting information

tions in 1970 were \$4,091,000. Cost of administration, operations, and collections was \$55,077 (about 1.25 percent).

In Washington the retail sales tax on hotels and motels provided \$4.6 million in revenue. The base includes rent.

It has been estimated that room rents represent about 50 percent of the total. This means the transient lodging portion of hotel-motel retail sales collections amounted to about \$2.3 million in 1969.

In Washington's King County there is a special hotel-motel tax that applies only to transient lodging. The King County transient room tax has also been adopted by Spokane and Tacoma. Revenues from this tax are all available for use by local government.

All the state collections from the portion of the Washington retail sales tax applicable to hotel-motel charges are placed in the state's general fund.

Colorado has a three percent retail sales tax applied to lodging. The statistics kept, separate out lodging as a category for which data are gathered. The retail sales tax receipts arising from lodging are allocated the same as those collected when the tax is applied to any of the other taxable bases. From 1966-67 to 1969-70 the retail sales tax collections from lodging in Colorado have increased from \$2,545,000 to \$3,625,000.

Eugene's Hotel and Motel Tax. Eugene, Oregon, has initiated

Resources

State Tax Collections. Bureau of the Census, United States Government Printing Office, Washington, D.C.

Sly, John F. *A Tax Program in Oregon: Conclusions and Recommendations. Final Report for the State Department of Planning and Development.* Oregon State Department of Planning and Development, Portland, Oregon. 1958. (Available in State Library.)

Lindholm, Richard A. *Description and Analysis of Oregon's Fiscal System: Area 14-Hotel and Motel Room Tax.* Graduate School of Management and Business, University of Oregon, Eugene, Oregon. 1970.

**TABLE 16
POTENTIAL EXCISE TAXES
REGRESSIVITY ESTIMATE, RATES AND COLLECTION POTENTIALS**

Item	Rate	Regressivity Index	Estimated Increased Revenue (thousands)
A. Increase in present rates			
1. Beer	\$2.60 per 31 gal. bbl.	-17.7	\$ 1,500
2. Wine	46 cents per gal.	- 2.6	700
3. Cigarettes	8 cents per pack	-12.8	12,250
4. Gasoline*	8 cents per gal.	- 7.1	12,500
5. Vehicle licenses	(No detail) Washington level	**	10,000
B. New excise taxes			
1. Deeds of conveyance	50 cents on value more than \$100, but not over \$500; 50 cents for each additional \$500 or part thereof	- 5.9	850
2. Cigars	20% of whsle. price	+ 4.0	800
3. Club dues	10% of dues	+14.4	450
4. Admissions	3% of adm. price	- 0.1	750
5. Cameras, film	5% of whsle. price	+ 6.6	1,900
6. Phonograph records	5% of whsle. price	-10.0	150
7. Musical instruments	5% of whsle. price	+11.6	200
8. Soft drinks	1 cent on each bottled soft drink; \$1 per gal. or 4/5 cent per ounce on soft drink syrup; 1 cent per ounce on soft drink powder and base products	**	6,000
9. Passenger automobiles	3% of list price	+ 1.4	10,000
10. Pick-up trucks	3% of list price	**	1,600
11. Refrigerators, freezers	4% of whsle. price	- 7.2	800
12. Radio, TV sets	4% of whsle. price	- 7.5	1,700
13. Electric, gas, oil appliances	4% of whsle. price	- 6.5	1,600
14. Motorcycles	3% of list price	**	150
15. Automobile parts, accessories	3% of whsle. price	- 2.2	4,300
16. Lubricating oil	3% of whsle. price	- 5.7	150
17. Tires, tubes	3% of whsle. price	- 4.5	1,200
Total			69,550

*Does not include taxes on "use fuel" or "aircraft gas."

**Data are not available to calculate index number.

Note: The revenue estimates in this table are only first approximations.

a three percent motel and hotel room tax. The funds are allocated by a committee appointed by the city council, and must be allocated to finance cultural, convention, and tourist-related facilities. During the first year \$54,000 was allocated to the municipal auditorium committee and \$9,000 to the Eugene Chamber of Commerce.

The cost of collection has been estimated at seven percent. This percentage is expected to decrease as the base expands. Difficulties have not arisen in the collection of the tax, which is paid monthly. The tax is not collected after a resident of a transient facility has stayed over

one month. The tax, however, does apply to the first month of rent paid.

The Governor's Fiscal Study Task Force has recommended a uniform three percent tax on motel and hotel rooms with the revenues largely going to local governments to:

- (1) Provide some uniformity in statewide development of the tax
- (2) Assist local governments in their administration of the tax
- (3) Stimulate expansion of local revenues from sources other than property tax
- (4) Prevent room tax competition within the state.

According to the task force, the tax is well suited to metropolitan area city and county use because location provides an important portion of the income-earning ability of the base. This strength is possessed by few taxes. Also, the tax is most widely used in America as a local tax and is understood by the traveling public to be an appropriate local tax to cover costs of local services used by the visitor.

Estimates are that such a state tax with a three percent rate could yield \$1.5 million of revenue annually. Legislation introduced in the 1971 Legislative Assembly proposed a uniform state tax with provision for local government participation in the collections.

PROPOSALS FOR PROPERTY TAX REVISIONS

Weighing Cost-Effectiveness of Special Treatment Provisions. Oregon statutes provide that all property should be assessed at its true cash value, based on the theory that this is both equitable taxing policy and in keeping with the general mandates on uniformity of taxation

lines of inquiry

The forceful message communicated each year through school budget defeats highlights the importance of understanding the various methods currently proposed to reduce the property tax burden.

As future voters and householders who will be paying property taxes, either directly or indirectly, students need a broad understanding of the problem. They need to know something of the history of the property tax and how it became the basis of support for local governments as well as the implications of the various schemes to reduce it.

Students should also study the implications of the 1971 decisions of the California Supreme Court which brings into question the use of the property tax for support of public education.

action ideas

Research. Have students check out what is assumed to be a general taxpayer antipathy to property taxes at their present level. Do this by having students draft a simple questionnaire regarding the property tax to use with parents and, if desired, the larger neighborhood. A follow-up could be planned on attitudes toward the various property tax relief proposals.

Resources

"A Special Report: Full Text of the Decision of the California Supreme Court in *Serrano vs. Priest*," *Urban Affairs Reports*, September 2, 1971. Commerce Clearinghouse, Inc., 4025 W. Peterson Avenue, Chicago, Illinois 60646.

"Exit Property Tax," *Newsweek*, September 9, 1971, pg. 61.

"Challenge to the System," *Time*, September 13, 1971, pg. 48.

"New Tax Source To Pay for Schools," *U.S. News and World Report*, October 11, 1971.

Groves, Harold M., et. al. *Reappraisal of Business Taxation*. Tax Institute of America, Princeton, New Jersey, 1962.

Buehler, Alfred G. and others. *The Property Tax: Problems and Potentials*. Tax Institute of America, Princeton, New Jersey, 1967.

Netzer, Dick. *Economics of the Property Tax*. The Brookings Institution, Washington, D.C. 1966.

Vernstrom, Roy N. *Property Tax Relief: A Private Citizen's Report to the 55th Legislative Assembly of the State of Oregon*. (Privately published, 1969.) Available in State Library, Salem, Oregon 97310.

"Oregon's Property Tax Administration: A Brief Review of Statutory Provisions." Department of Revenue, State Office Building, Salem, Oregon 97310. July 1969.

Local Government Finance. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon. January 1971.

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found in the Constitution. However, in an economy as complex and varied as we have today, Oregon Legislative Assemblies have concluded that literal application of a full true cash value assessment law would create many hardships, due to the special circumstances of certain classes of taxpayers. The result has been passage of a number of special provisions designed to prevent literal application of the rule from resulting in tax inequality rather than tax equality. (Teachers will find a detailed discussion of property tax exemptions and lands receiving special treatment on pages 131 to 145.)

However, because so many exceptions have been made to the rule that all property should be assessed at its true cash value, the tax burden these properties would have borne has shifted to the homeowners and renters who do not qualify for veterans', senior citizens', or low income exemptions. In 1971, for example, this shift equaled the amount of tax income from exempt properties with an estimated value of \$17 billion. (See Table, page 135.)

Extending Variable Ratio to All Property Assessment. As a result of the increasing number of exemptions from assessment at true cash value, some tax experts have suggested that Oregon consider establishing a "variable ratio," which means designating "classes" of property and

TABLE 17
Major Types of Excise Taxes Imposed
at the State Level in the 50 States
and the District of Columbia,
as of January 1, 1970

Type of Tax	Number of States Imposing Tax
Motor fuel	51
Cigarettes	51
Alcoholic beverages	51
Insurance	51
Public utilities	43
Documentary and stock transfer	31
Parimutuels	29
Severance	26
Other tobacco products	22
Oleomargarine	8
Soft drinks	6
Admissions	6
Meal and rooms	5
Playing cards	2

assessing each class at a different percent of its true cash value.

According to Herman Kehrli, Director Emeritus of the Bureau of Governmental Research and Service, "After a comprehensive appraisal of all property was completed in Arizona, the legislature provided in 1967 that homes and farms should be taxed at 18 percent of true cash value, commercial and industrial properties at 25 percent of true cash value, utilities at 40 percent, and railroads and the extractive industries at 60 percent. Thus Arizona generally avoided the traumatic increases that have sparked requests for special relief during the past 15 years in Oregon."*

Opponents of the variable ratio cite the experience of Minnesota, which has long applied a variable ratio. A past Commissioner of the Minnesota Department of Taxation comments:

"Once you start classification of property, where do you stop? We started with four classes and we now have some 20 different classes. I think the fact that we have only this many is a tribute to the legislators, because had they succumbed to all the pressures involved, we could easily have had over 200. The reason for this is that once you have a classification of property, experience has shown that it is extremely easy to add another class."

Governor McCall's Fiscal Study Task Force has made the following analysis of the philosophical

reasons for returning exempt properties to the tax rolls.

Land is one component of the wealth of Oregon. Wealth is related very closely to income. Land acquires a value on the market largely because the owner can enjoy an income from the use of the land. Value also arises from satisfactions of a variety of types—from space to breathe, to possession of the possibility during a crisis of raising food required to sustain life. Undoubtedly this second type of value becomes a portion of the sales price of assets other than land, but it is perhaps more important in the case of land because of its indestructableness. This special characteristic of land makes the capitalization of earnings a less reliable judge of value than that provided by data of sales and purchases of similar sites.

The highest and best use of a nation's land, or the land of any area, is a very obvious desirable economic goal. The method to be used to reach this goal is not so obvious. However, it is generally agreed that a very important guideline is that any land must be available to those willing to pay the highest price, and all users of land must meet the same tests to gain and to continue to control it. It is only under these conditions that the market can assure society that one-third of its wealth is being put to its highest and best use.

Land used by government, lodges, churches, and schools enjoys favors that reduce society's assurances of highest and best use. When particular groups or persons can hold land at a cost lower than the market price, the efficiency of the market in carrying out the job of land allocation is reduced.

Governments at all levels generally hold land without paying the normal property tax rate. When a government purchases land it does so at a fair market price as agreed upon between the government and the holder of the land or as is determined by the courts. At this point the right of condemnation through the courts has given the government a somewhat favored position. The complete or partial exemption of this land from normal property taxes increases this favored situation. The policymakers of government, and citizens as voters, are not pressed to make best use of land by the necessity of making annual property tax payments on land

*Guest editorial in the *Oregonian*, 1971.

lines of inquiry

action ideas

Investigating Conflicting Opinions. Invite proponents of the various proposals for property tax relief to present their views to the class. Or have students interview such people and report their findings. Class should ask what political and economic interests are in the background of each person or organization interviewed or heard.

supporting information

held. Even if payments were only a bookkeeping transaction, a portion of the cost to society of using the land in the form in which it is being used would be identified.

The extension of property tax exemption to churches, private schools, cemetery associations, and private lodges encourages extravagant use of land—a basic and scarce resource. It is a subsidy of special groups by all the citizens of the area.

Proposals to Revise Timber Tax Laws. Timberlands* have been given special treatment under Oregon's property tax laws (see page 143) in recognition of the fact that timber is a unique asset, which must be held for decades before it can be translated into cash. In addition, present timber tax laws were enacted in the belief that heavy ad valorem taxes stimulate more rapid timber harvesting to lessen the tax burden. Therefore, by postponing major timber tax burdens until income is received from harvesting, reforestation would be encouraged and premature harvesting would be avoided.

However, because special treatment of timberlands has caused a major shift of tax burden to other classes of property, several proposals have been put forward in recent years to modify Oregon's timber tax laws. Two of the most recent are outlined briefly here.

(1) The 1971 Legislative Assembly received a proposal

Resources

Annual Cycle of the Property-Tax Dollar in Oregon. Film: 15 minutes, kinescope, grades 11-14. Includes interview with a tax official. *\$2.25. 1960.

Some Notes on Alternative Proposals for Property Tax Relief and Tax Reform in Oregon. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon. 1961.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

*Land and timberlands are used here in the context of what is over, below, and on the land, as well as the land itself.

to increase tax rates, which was supported in an *Oregonian* editorial, April 1, 1971, as follows:

"The Western Oregon law is costly to administer because the state must maintain a large force of timber cruisers to keep an inventory of the forest lands, the state reports. For large owners it creates an accounting problem and for the small owner it causes annual payments of taxes when he may not have any timber income.

"But for the timber owner the law allows him to operate at a greatly reduced tax load through the exemption of trees under 12 inches and it shifts a portion of the risk of loss to other taxpayers during a period of some 25 to 70 years while the trees are gaining their maturity.* Actually, the 12-inch diameter exemption is generous, the Department of Revenue reports, in that trees down to nine inches are now merchantable, largely for pulp mills.

"Further, the western timber owner gets a break in that for any tract of timber which is cut in a short period the true cash value of 30 percent of market value is but a fraction of the proper true cash value of the timber.

"The nontimber owner is carrying the extra burden of the tax shift, which has been increasing each year, amounting to a \$10 million differential last year between the old tax system and the new.

"Nontimber owners are not receiving any benefits from the present laws, as there is no guarantee that designated forest lands will be kept in forests. Revenue points out also that the price of timber products is not cheap to the home owner and that he gets no higher quality of water, air, and recreation and is helping to pay for an expensive administrative system for a complicated law.

"In the light of these revelations, the legislature ought to take a hard look at the two timber tax laws, particularly since it is trying to squeeze every nickel it can find from revenue sources in order to hold down property taxes."

On the other hand, timber owners represented by the Associated Oregon Industries Timber Tax Information and Education Subcommittee argue that in Western Oregon land and timber tax receipts have risen from about \$8.6 million in 1961 to over \$19.6 million in 1970 and the rate

of increase of forest taxes over the last four years has been 68 percent greater than the rate of increase for total property taxes in Oregon. They also point out that taxes on Oregon's forests are far higher, acre for acre, than those of most other states.

The same tax committee takes issue with the *Oregonian's* statement that nontimber owners are not receiving any benefits from the present laws in terms of higher quality of water, air, or recreation. The committee argues that increase in forest property taxes generally stimulate more rapid depletion of private forests and a lower level of private investment in reforestation and improvement that would reduce long-term economic and environmental benefits.

(2) The Governor's Fiscal Study Task Force has recommended consideration of a site value (land tax only) approach to timberland taxation similar to that of Oregon's Small Tract Optional Law. The site tax is levied on the productive capability of the land only, rather than the land and the inventory of timber on the land. According to the task force:

- (a) It avoids all the problems associated with timber cruising.
- (b) The difficulty of attempting to set the value of an inventory that is many years away from the market and sale is eliminated.
- (c) Possibilities to influence tax liability through impact on a particular assessor are reduced.
- (d) Revenues are more stable for the tax base is relatively constant.
- (e) The tax liability stimulates most complete use of land for it is not dependent on how the land is utilized. This relationship should encourage efficient forest land management on a sustained yield basis.
- (f) It reduces the number of experts required and therefore the costs of administering the ad valorem tax on timber.

The AOI's Timber Tax Information and Education Subcommittee believes that one serious disadvantage of a forest site tax is that if such a tax were adjusted to raise what the current ad valorem tax yields, forestry reinvestment incentives would be greatly curtailed. This is because a site tax, on each individual acre, shifts some of the heavy ad valorem taxes late in the timber growth period to the earlier years. For

*All forest trees are put on the assessment roll at full value for the year they are cut.

lines of inquiry

action ideas

Tax Walk. Take students on a walk around the school building or the community. Observe the number of items or services that are provided by the taxpayer. After returning to class, review the list of things or services, and discuss why it is necessary for people to get together to provide such things and services.

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any single acre, this has the effect of increasing the present value of all future tax payments above that for the ad valorem tax.

PROPERTY TAX RELIEF FOR LOW-INCOME GROUPS

Circuit Breaker Proposals. Circuit breaker plans for low-income families are designed for the purpose of providing income tax rebates for property tax paid, either by a home-owner or a renter (who is assumed to have property taxes shifted to him via higher rental payments). The proportion of property taxes refunded decreases with rising income of the homeowner or renter. (The 1971 Legislative Assembly enacted a circuit breaker plan which is described on page 129.)

Homestead Exemption.* A simple and understandable device used in some states is the homestead exemption, which exempts the first few thousand dollars of owner-occupied residential property from property taxation. The homestead exemption has the advantage of providing a greater percentage of relief on lower-valued residential properties than on higher. Its use would, therefore, tend to make the property tax a somewhat progressive tax.

Oregon's homestead exemption laws are discussed on pages 132 and 133.

The results of a homestead exemption would deviate somewhat from the principles of equity found in the pro-

Resources

System Seventies: A Statement on Improving Financing and Management of Oregon Schools and Community Colleges. Position paper of the Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310, 1971.

The Basic School Support Fund: Its Appropriation and the Mechanics of Its Distribution. Superintendent of Public Instruction, Oregon Board of Education, 942 Lancaster Drive, NE, Salem, Oregon 97310, 1971.

Biennial Report, 1969-71. Oregon Board of Education, 942 Lancaster Drive, NE, Salem, Oregon 97310.

*Tattersall, *op. cit.*

gressive income tax because some high-income people live in lower-valued homes and some lower-income people may be "overhoused."

Property tax relief for renters (apartments constitute about one-third of all living units), seems best effected through income tax rebates.* For example, all renters could receive a \$60 income tax credit or one month's rent, whichever is less. On the assumption that 25 percent of rent payments represents property tax, this proposal would provide a maximum of 33 percent relief if rent were \$60 monthly or less, 20 percent relief at a rent of \$100 monthly, 13 and one-third percent at \$150, and 10 percent at \$200. A \$4,000 homestead exemption could be matched with a \$48 tax credit, and so forth.

The specific renter property tax relief proposal outlined here is illustrative only and could be modified to fit varying judgments of what constitutes equivalent equity between homeowners and renters.

Circuit breaker plans and a homestead exemption need not be regarded as mutually exclusive alternatives but could be combined. In such a combination, the homestead exemption would, in effect, provide a "basic" tax reduction for every homeowner, and additional tax reduction would be provided for low-income persons (graduated according to their adjusted gross income) via income tax rebates.**

Funds paid to homeowners and renters through income tax rebates would reduce General Fund revenues and need to be replaced by appropriations to the General Fund, thus requiring new state revenue sources. A homestead exemption reduces the assessed valuation available to local governments for taxing. Without other compensating action, this reduction in assessed valuation would automatically increase property tax rates "across the board," coincidentally offsetting some of the homeowner tax relief experienced through the exemption. It seems likely that the legislature would want to use the alternative of distributing General Fund revenues to local government units in the amount of property tax reduction provided to homeowners in each local taxing district.

*It should be noted that this does not provide for the 25 percent who pay little or no income tax.

**A homestead exemption alone might reduce the burden of property taxes only minimally for some low-income persons. As an example, low-income families in the \$3,000-\$4,000 range involved in the FHA self-help housing program built (with "sweat equity" and reduced interest payments) some fairly valuable houses. The present property tax would seem to discourage this kind of program seriously.

PROPERTY TAX RELIEF THROUGH DIRECT OFFSET

Oregon currently provides property tax relief to low-income property owners through:

Cigarette tax allocations

General Fund appropriation

However, general, across-the-board property tax relief is also provided through:

Basic school support (appropriated from the General Fund)

Liquor revenue allocations to counties and cities

Cigarette tax allocation to counties and cities

Highway, forestry, and other fund distributions to local governments

Community college support (appropriated from the General Fund)

The fact that these funds are used as an offset, rather than simply given outright to the local taxing districts, is important, and is explained in *Property Tax Relief** as follows:

Each local taxing district is required by law to prepare, publish, and hold hearings annually on its next proposed operating budget. It estimates its operating expenses, and estimates all income from sources other than the property tax. The amount of money needed to bridge the gap between estimated expenses and nonproperty tax revenues is the amount which the district sends to the assessor as its tax levy. And it is the actual levy which is subject to the six percent constitutional ceiling on the annual increases a district can make without approval by the people. Thus, if additional state funds are simply given as additional *prelevy* income, there is no guarantee that the district's tax levy, and hence the property owner's tax bill, will be reduced. But if the additional state funds are withheld until the district has adopted its levy, and are then applied as offsets against the levy, the tax bill is in fact reduced—unless, as is their right, the people themselves have voted an increase in taxes large enough to swallow up the state offset.**

The problem is that to date the money appropriated for general property tax relief through direct offsets has not been sufficient to do more

*Vernstrom, *op. cit.*

**The offset for intermediate education district revenue is discussed on page 214. Certain federal grants are also considered property tax offsets; e.g., aid to federally impacted areas.

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Buehler, Alfred G., et. al. *The Property Tax: Problems and Potentials*. Tax Institute of America, Princeton, New Jersey, 1967.

Netzer, Dick. *Economics of the Property Tax*. Brookings Institution, 1775 Massachusetts Avenue, NW, Washington, D.C. 20035, 1946.

Sly, John F. *A Tax Program in Oregon: Conclusions and Recommendations. Final Report for the State Department of Planning and Development*. Oregon State Department of Planning and Development, Portland, Oregon, 1958.

Effects of 1961 Timber Tax Laws on Property Taxes. Department of Revenue, State Office Building, Salem, Oregon 20036, 1966.

than slow down the general escalation of property tax bills.

Proposals to remedy this have generally favored increasing basic school support, even to the extent of 100 percent state financing of public schools, so that property tax would be used solely to support other units of government.

Because of recent court decisions concerning the effect of present property tax systems on equality of educational opportunity, proposals for 100 percent state support of education will receive serious consideration in the 1973 Legislative Assembly. (See *School Finance, 1973: Supplement No. 1 to Government in Oregon.*)

POTENTIAL OF A STATE LAND TAX

The effect of a state land tax, with the proceeds used for basic school support or for direct local property tax relief, would be to shift the burden of property taxation, in part, from improvements to land. Many fiscal economists have advocated this kind of shift. A tax system imposing higher taxes on land than on improvements is in effect in parts of the United States and in Canada, Australia, and New Zealand.

Richard Lindholm, Chairman of the Fiscal Study Task Force and an advocate of a state land tax, estimates that the tax would raise about \$60 million in Oregon for each one percent of levy.

The theory behind this type of tax is that land is in fixed supply and its supply cannot be diminished or discouraged by taxation, as can improvements and capital expenditures. Land values, furthermore, represent unearned increments from general economic growth rather than a reward to effort. It is believed that differentially taxing land relative to improvements would encourage the improvement of urban properties, discourage slum formation and urban sprawl, and reduce profits from land speculation.

According to Carl Madden, Chief Economist of the U.S. Chamber of Commerce, "Realty taxes that place a larger share of the burden on the site instead of on improvements constitute in effect a high-return urban renewal program, an effective program that a municipality can place in operation if it has the desire and will for growth and progress. Higher revenues accompany these advances.

"In short, putting more of the realty tax on land leads to physical improvements in properties, better use of land, and higher tax revenues to municipalities. But everybody talks about it, and nobody, or hardly anybody, does anything about it."

Sudden imposition of a high land tax would tend, however, to cause arbitrary and windfall reductions in individual fortunes, and a *gradual* transition to such a system would seem desirable.

THE POTENTIAL OF A VALUE ADDED TAX (VAT)*

The value added tax is a tax on transactions (sales), paid at each stage through which a commodity passes, from initial production to final sale to the consumer. It is used in several European nations and has been the subject of serious consideration recently in the United States as a national tax. Michigan used the tax from 1953 to 1967. The legislature of West Virginia adopted the tax in 1969, but it was vetoed by the Governor.

VAT has frequently been identified by American tax economists as the best approach to business taxation.

*Edited excerpts from Governor's Fiscal Study Task Force report.

The basic "good" qualities of the VAT as seen by tax economists are that:

- (1) The tax treats all businesses the same. It is not necessary to change the tax base to meet the special circumstances of different types of productive organization, ownership, activity, or control.
- (2) It treats all factors of production alike. It does not influence the mix of capital or labor.
- (3) It treats efficient, inefficient, monopolistic, and competitive businesses similarly, therefore it does not encourage mergers of small independent units.
- (4) Because it is believed to be the most general and most uniform of all taxes, it meets the welfare economists' criterion of a good tax.
- (5) Administration of VAT would provide the potential for the most complete and useful flow of economic data that an economist could ask for. The business economist sees this attribute to be particularly desirable.
- (6) The international and monetary economists find the tax has attributes that make it a potential international economic stabilizer to supplement monetary policy and flexible exchange rates.
- (7) The tax harmonization economists see VAT, when once adopted by a major nation, developing economic pressures leading to worldwide use of the tax.

The overall level of economic activity of a nation can be measured by adding up the prices received for goods and services sold and changes in inventories less the purchases from other firms. This is also the product base of VAT. The same total can be developed by adding all incomes. This total could also be the base of VAT, but it has not been used. It was, however, the approach adopted by the West Virginia Legislature.

- (1) Sales Base Approach to VAT. There are three approaches to a VAT base which rely on the sales base.

The first and perhaps the easiest to administer provides for application of the tax rate to total sales of a firm less all purchases from other firms. The approach does not exclude, but makes no special provision for purchase of capital goods; it allows no difference in the

Resources

National Tax Journal (special edition on VAT), September 1971.

Lindholm, Richard W. *Property Taxation U.S.A.* The University of Wisconsin Press, Madison, Wisconsin. 1967.

Public Welfare Now: A Quarterly Report to the People of Oregon on Public Welfare. Oregon State Welfare Commission, Public Service Building, Salem, Oregon.

A Study of Property Tax for the Aged. Oregon Department of Revenue, State Office Building, Salem, Oregon. 1960.

Goebel, Carl H. "Proposed Improvements in 'Circuit-breaker' Concept To Provide Meaningful and Equitable Property Tax Relief." (Prepared for City of Portland, Oregon, by Portland State University Work Study Intern) Office of the Mayor, 1220 SW 5th Avenue, Portland, Oregon. June 9, 1969.

treatment of purchases from firms subject to VAT or exempt from it. Capital goods produced by the firm using them do not provide a deductible item from the sales of the firm in calculating the base to which the tax is applied. Inventory expansions, except as they include purchases from other firms do not become a portion of the tax base, but inventory reductions do.

The introduction of this sort of a tax requires a period of adjustment in the treatment of capital if the corporate income tax is eliminated. The Germans in moving to VAT provided for a special investment tax of eight percent during the first year, 1968, which will be reduced by two percentage points a year until it reaches zero in 1973.

A second procedure treats investment expenditures as a nondeductible item from the sales of the firm. Instead of investment being deductible as made, investment goods are deducted as used in the production process; i.e., depreciation deductible from the firm's sales in arriving at the value-added tax base. Capital goods produced by the firm and used by the firm; i.e., force account, are also deducted as depreciated and the value of comparable goods sold in the market. The basic effect of this procedure is to apply the tax rate to an economy's national income and not its GNP.

The third procedure exempts sales of finished goods not of

the consumption variety that are made to business firms. The tax rate applies only to semi-finished goods and raw materials plus goods sold to consumers. Investment goods are neither deductible from the sales of the firm when made nor deductible as depreciation when used in the production process. Under this variant the manufacturer of investment goods would not develop VAT liability as his sales were not final consumer sales. But he would develop VAT refund claims as the price paid for semi-finished goods and raw materials would have included VAT payments. The effect of the procedure is to concentrate a larger portion of the net tax liability at the consumer level and for this reason it is appropriate to call it the *consumption* type VAT. Here again the base of the tax approximates GNP.

(2) **Income Base Approach to VAT.** The income base can also be broken down into three rather distinct procedures. Here again the treatment of inventories and capital provide for the variation. In addition, treatment of reserves can be varied. Also, the payments of income earned to other business organizations as well as to individuals must be considered.

It is obvious that VAT when looked at from the income side becomes a flat rate income tax collected at the business firm level. Also, when VAT is looked at as a tax on income, the exemption of government seems to be a less justified procedure than when it is seen as a tax on a product. Finally, by looking at VAT as a general income-based tax as well as a general product-based tax makes it clear that the difference between the use of the two bases is much less than tax literature and the discussions of income and sales taxes appear to indicate.

VAT vs. the Corporation Income Tax. VAT and CIT are very different taxes with very different philosophical justifications. The base of the corporation income tax (CIT) is gross income of taxable corporations less allowed deductions. The goal of the CIT is to collect a share of those corporate profits that are not subject to income tax because corporations are legal entities separate from those who own, control, or invest in them.

This income of a corporate business that is singled out for heavy taxation by CIT does not escape under VAT. However, if VAT is adminis-

tered through the application of a tax percentage on sales, neither profits, interest, rent, nor wages are identified as special portions of the value added by the firm.

It is the value added by labor that provides the greatest portion of the tax base used by VAT, or, looked at another way, the value added as a result of business-type activities, however organized or controlled, is taxed equally.

VAT involves no judgment as to the ability of any firm to pay tax on value added or of the different ways of distributing ownership rights to value added to a product. These characteristics of VAT give it a high degree of resource allocation neutrality.

CIT, on the other hand, is not a very neutral tax. It is a tax aimed at correcting an unjustly favored position, or at collecting needed revenue in the most politically acceptable way.

The growth of CIT rests partially on its possession of an important administrative advantage. Under CIT only a relatively small number of persons are required to make out checks to a government treasurer. Many stockholders and employees are only vaguely aware of paying the tax. It is also true that very few buyers consider themselves to be paying CIT when they purchase a new pair of shoes or a house.

Tax Rate and Yield. VAT's lower rates and broader base make for substantial revenue stability and predictability. However, VAT collections are changed materially by a small rate change. VAT has a base that would approximate GNP arising from the private business sector, which has an annual rate of \$6 billion for the State of Oregon. This means that a change in the VAT rate by only 0.5 percent would change VAT collections by millions of dollars. The shifting of tax revenue levels to meet emergencies would necessitate only a small change in the tax rate.

Tax Administration. The administration of VAT in Michigan was not considered to be difficult. This was true even though Michigan used more than one rate and provided for rather complicated exemptions. The British estimate that when a single rate for VAT is abandoned the administrative costs increase by 50 to 80 percent.

VAT's use of a broad base permits the use of low rates. Also, because VAT is paid only by

businesses, individuals are not required to make tax payments. Both of these characteristics of VAT are administratively and economically desirable.

VAT and the Statewide Land Tax as an Alternative for Oregon. The use of VAT in combination with a statewide land tax in Oregon could be a procedure for financing the education costs of Oregonians currently borne by local property taxation. The use of the land tax and VAT for educational purposes would reduce the tax levied on property improvements and personal property by more than seventy percent on a statewide average.*

The land tax at a three percent rate would yield \$180 million (\$6 billion land base assumed); a VAT at a three percent rate would result in \$180 million in revenue (a VAT base of \$6 billion assumed). The \$360 million raised by the combined taxes will replace the portion of the local property tax currently allocated for educational purposes.

Typical individual property owners would be affected as follows by the adoption of a statewide land tax and a VAT.

A homeowner with an assessed property valuation of \$20,000, of which \$5,000 is in land and \$15,000 is in his home, is paying on the average \$520 in property taxes currently. Under the statewide land tax and VAT system, his land tax would be \$150 (3 percent of \$5,000) and his

*The analysis is based on the average property tax assessment of \$26 per thousand of assessed property value of which \$19 is for education purposes.

local property tax would be \$156 (30 percent of \$520), resulting in a total tax of \$306 which is \$214 less than the current system.

A hypothetical business property and operation would be affected as follows.

The business has total property of \$250,000 (\$50,000 in land, \$100,000 in the building, \$100,000 in personal property) and is currently paying \$6,500 in property taxes. Under the statewide land tax and VAT system, the land tax would be \$1,500 (3 percent of \$50,000), and the local tax would be \$1,950 (30 percent of \$6,500).

With total sales of \$1 million assumed, \$800,000 purchased from other business and \$200,000 of value added by the business, a three percent VAT would produce \$6,000 (3 percent of \$200,000) in revenues. The statewide land tax and VAT for the business would result in \$9,450 in taxes, an increase of \$2,950 over the present system.

The location of the benefit arising from tax exemption of all property other than land and the burden from the introduction of VAT can only be judged in a very general way. Certainly one effect will be the stimulation of the construction industry and the reduction of land speculation, both urban and rural. Another effect will be to greatly simplify the administration of the property tax and to encourage industries requiring a large fixed investment to locate in Oregon. This will stimulate land values. In addition, economic conditions would be working toward a more efficient urban environment.

A portion of the burden of VAT rests on the lumber industry and will show up in lower forest land values and in higher prices paid by non-Oregonians in purchasing Oregon forest products. How much prices in Oregon stores will increase is difficult to forecast. The introduction of VAT during a period of some economic weakness apparently results in a VAT that has little impact on the cost-of-living index. If introduced during a strong boom the price effects are not so favorable.

An Oregon VAT with a broad base and three percent rate would be largely a replacement of other taxes. In the example considered above, it was assumed the portion of the property tax resting on structures and personal property

would be eliminated. This sort of tax shift would best fit Oregon's economic and social conditions. However, it would also be quite appropriate to introduce an elimination of the income tax on the lower bracket income receivers and an elimination of the corporate excise (profits) tax. It would also be appropriate to introduce a VAT with a very modest rate—say one percent. The rate decided upon in West Virginia was two and one-half percent. In Michigan the 1955 rate was six and one-half mills on taxable base except public utilities, where the rate was one and one-half mills.

An Opposing View.* There are many people who do not share the enthusiasm of some economists and legislators for a state value-added tax.

The argument has been advanced that a state value-added tax is partly passed on to out-of-state consumers of the state's exported products and that the tax would be especially advantageous to a state whose major export industries were natural-resource based. However, it seems that a value-added tax would be more advantageous to a state such as Michigan, whose firms (e.g., the automobile industry), tend to dominate national markets, to face less out-of-state competition, and to have greater control over the prices of their products. In fact, Michigan used a value-added tax for a number of years. Oregon export firms sell for the most part in highly price-competitive national markets and face competition from other states as well as foreign competition. Unless competitor states also adopt value-added taxes, Oregon firms would seem in a relatively poor position to pass on the tax to out-of-state consumers.

Significant administrative problems are raised by the value-added tax. It would require the establishment of a new unit of the Department of Revenue. More than that, the technical problems of writing a value-added tax law seem to rival those of writing a sales tax law.

*Tattersall, *op. cit.*

PAGES 195 THROUGH 199 RESERVED FOR EXPANSION.

lines of inquiry

There are a number of reasons why the transfer of funds from one level of government to another is becoming an increasingly important aspect of revenue collection for state and local governments.

Students need to explore these reasons: the very practical (people won't pay more property taxes to support education); the highly philosophical (equal opportunity for government services, no matter where you live); and the technical (the unit of government best suited to administer a program is not always the best taxing unit to support the program).

action ideas

Research. Who favors "revenue sharing?" Under what conditions, and for what specific purposes? Make a chart listing key people who have spoken out on the plan (such as President Nixon, Representative Mills, Mayor John Lindsay, etc.), and using the *Guide to Periodical Literature*, do the necessary research to answer the above questions for each of them.

supporting information

revenue

It is both necessary and important to consider revenue as a system of finance which involves all three levels of government and there is considerable evidence to show that our present system of government finance has produced a state of fiscal imbalance, a mismatch of needs and resources among national, state, and local governments. This imbalance is most noticeable in the large metropolitan areas of the Northeast and Midwest, where growing social and economic problems bring out the worst features of the mismatch. The Advisory Commission on Intergovernmental Relations identifies two trends which must be reckoned with:*

(1) "The economic trend—the growing interdependency of the nation—gives the federal tax collector, equipped with the most productive tax and the broadest geographical reach, the best opportunity to tap the growing affluence of the national economy.

(2) "The political trend—the progressive subdivision of the metropolitan area into more and still more governmental units—works in precisely the opposite direction. It both constricts the tax reach of the local jurisdictions and saddles the 'have nots' (usually the central cities) with enor-

Resources

Perloff, Harvey S., and Wingo, Lowdon, Jr. *Issues in Urban Economics*. The John Hopkins Press, Baltimore, Maryland. 1968.

Shoup, Carl S. "Taxes: The Collection and Distribution of Your Money: A Special Issue Prepared in Cooperation with the Research Institute of America." *Saturday Review*. Vol. III, No. 12. March 22, 1968.

Study of Intergovernmental Fiscal Relationships. Vol. I: A Program for Revision of Intergovernmental Finances in Oregon. Oregon Legislative Fiscal Committee, State Capitol, Salem, Oregon. 1966.

Study of Intergovernmental Fiscal Relationships. Vol. II: Catalog of Governmental Fiscal Data. Oregon Legislative Fiscal Committee, State Capitol, Salem, Oregon. 1966.

**Urban America and the Federal System*, Advisory Council on Intergovernmental Relations, Washington, D.C. 20575, 1969.

sharing: new possibilities

mously disproportionate burdens.

"The ultimate cause of this radical mismatch of needs and resources is political—state and federal policymakers are unable to muster sufficient support necessary either to prevent this head-on collision of economic and political forces or to provide sufficient compensation for damages to the local victims. This inability to engineer consent, in turn, can be traced to a political-fiscal dilemma.

"A strong tradition of local home rule ordinarily blocks any attempt to bring needs and resources into better alignment via the administrative centralization approach—i.e., creation of a metro-type government or the shifting of all responsibility for certain high-cost functions such as education or welfare to the state or national government.

"On the other hand, popular support for a Puritan ethic that discourages the divorce of tax and expenditure responsibility ordinarily stands in way of a fiscal decentralization solution—i.e., the transfer of federal funds to state and local government on a no-strings basis or for state assumption of virtually all the responsibility for financing education while leaving wide policy discretion in the hands of local school boards."

There are several kinds of revenue sharing, or intergovernmental grants.

STATE GRANTS TO LOCAL GOVERNMENTS

Oregon cities and counties receive state revenue for roads and highways. School districts receive funds to finance education programs from all three levels of government. In most cases involving the transfer of state funds, the state legislature determines how much and what funds are to be distributed, and on what basis—straight percentage, population, number of school-age children, number of vehicles registered, etc. (See Tables 18 and 19.)

State grants as direct offsets against local property tax levies are discussed on page 185.

The Advisory Commission on Intergovernmental Relations (ACIR) concluded after detailed review of the 50 states' distribution formulas that "...the bulk of state payments are channeled to localities without any clear recognition of the demands for public services placed upon them or of local ability to provide such services. Rather, the money is returned on the basis of origin, divided equally, etc."

FEDERAL GRANTS: STATE AND LOCAL

There are several approaches to distributing federal funds to state and local governments.

Categorical Aid or Grants-In-Aid. These are given directly to state or local units of government for specific purposes. Sometimes they are administered by the "flow through" funds to local governments. (See Tables 18 and 19.) Federal payments are exceeded only by the property tax as a source of revenue for governments in Oregon. Of total federal grants-in-aid to Oregon:

- 37.8 percent was for highways
- 19.6 percent was for welfare
- 15.6 percent was for education
- 7.0 percent was for agricultural programs, including Cooperative Extension
- 5.6 percent was for Office of Economic Opportunity programs
- 14.4 percent was for other programs

Block Grants. These grants are a form of revenue sharing. For example, certain counties receive part of the receipts from the sales of timber on national forest lands, with no strings attached. O and C Funds are another example. When the Oregon and California Railroad was abandoned, the federal government still held every other section of land along the right-of-way. Invest-

lines of inquiry

When changes are made in the way that taxes are collected and distributed, as when a higher level of government assumes responsibility for financing a service provided at the local level, certain basic issues are bound to surface. These issues have been discussed on pages 96-98—minority vs. majority rights, private vs. public services, centralization vs. decentralization. Students should explore such questions as the following:

When local government services are financed by the state or federal government, what specific decision-making powers may be lost to the citizens in a community? Is the efficiency and economy of tax collection by a higher level of government worth the loss of such decision-making powers at the local level? At what level of government do decisions tend to become more, or less, responsive to the needs of all groups, as opposed to the needs of powerful special interests? Are there powerful special interests which try to dominate decision-making at the local level as well as the state and national level?

action ideas

Resources

Logan, Robert K. *The Federal Dollar in Oregon Fiscal Year 1967-68*. Office of the Governor, State Capitol, Salem, Oregon 97310. February 1969.

A Fiscal Program for Balanced Federalism. Committee for Economic Development, 477 Madison Avenue, New York, N.Y. \$1. 1967.

Break, George F. *Intergovernmental Fiscal Relations in the United States*. The Brookings Institution, Washington, D.C. 1967.

Fuqua, Gary L. *Economic Impact of Federal Grants-In-Aid on the State of Oregon*. University of Oregon, Eugene, Oregon. 1964. (Available from University of Oregon Library.)

Why urban centers should be the focus of federal revenue sharing can be studied effectively by students using this book:

Tretten, Rudie W. *Cities in Crisis: Decay or Renewal*. Inquiry into Crucial American Problems Series, Prentice-Hall Inc., Englewood Cliffs, New Jersey. 1970.

supporting information

ments of the income from this land have been highly profitable and the federal government shares 75 percent of this revenue with the counties which include such lands in their boundaries. O and C Funds have provided an increasing source of revenue for such counties and as a result a few of them do not need to levy a property tax for county government purposes.

In 1971 Congress received a proposal from the President for a \$2 billion urban revenue sharing plan which would give Salem, Eugene, and Portland almost \$14,600,000 in block grants. The distribution formula would be based on population, overcrowding, housing conditions, and any extra money needed to bring a city's share up to its average federal aid for the past five years.

In 1971, the President also proposed to eliminate most of the categorical grants for elementary and secondary education and replace these with block grants in five major areas: (a) aid to educationally deprived children, (b) aid to federally impacted areas, (c) vocational education, (d) handicapped child education, and (e) support services. Distribution of the funds would be made on a new five-part formula based on the number of children recorded for special categories. States would be allowed to shift up to 30 percent of the funds from one program area to another according to their special needs (with the excep-

TABLE 18
Federal Payments To The Oregon State Government
By Function - 1969-71 Biennium

Function	1969-71 Actual	% of Total
Economic Development and Consumer Services		
Department of Agriculture	\$ 921,561	0.17
Bureau of Labor	66,932	0.01
Education		
Department of Education	40,567,923	7.66
Educational Coord. Council	454,825	0.08
Dept. of Higher Education	93,208,169	17.62
Oregon Arts Commission	116,033	0.02
Scholarship Commission	258,388	0.05
State Library	1,171,745	0.22
Human Resources		
Commission for the Blind	661,826	0.12
Corrections Division	801,921	0.15
Employment Division	35,539,014	6.71
Board of Health	10,435,547	1.97
Mental Health Division	2,359,819	0.45
Public Welfare Division	138,747,153	26.23
Special Schools Division	392,120	0.07
Vocational Rehabilitation Div.	10,999,585	2.07
Dept. of Human Resources	-	-
Natural Resources		
State Engineer	-	-
Fish Commission	4,686,106	0.88
Forestry Department	1,505,633	0.28
Game Commission	3,654,990	0.69
Water Resources Board	92,638	0.02
Environmental Quality Comm.	343,360	0.06
Public Safety		
Dept. of Public Safety	-	-
Military Department	644,094	0.12
State Police	245,454	0.04
Board on Police Standards and Training	180,939	0.03
Department of Justice	8,000	0.00
Transportation		
Department of Transportation		
Aeronautics Division	348,800	0.06
Highway Division	171,705,631	32.46
Motor Vehicles Division	14,410	0.00
Traffic Safety Division	(2,002,178)	(0.38)
Administrative and Support Services		
Office of the Governor	111,272	0.02
Executive Department	8,351,832	1.58
Department of General Services	276,802	0.05
Legislative Assembly	20,000	0.00
Judicial Council	15,000	0.00
Total From Federal Government	\$528,947,522	100.00%

Source: Oregon State Executive Department, *Governor's Budget Recommendations*, 1971-73.

TABLE 19
State Payments To Local Governments In Oregon
1969-71 Biennium

Source	1969-71 Estimated	Percent of Total
School Districts		
State Funds		
Basic School Fund	\$178,019,506	44.0
Common School Fund	2,268,600	0.6
Administration/operation of Programs for Handicapped	3,830,702	0.9
Driver Education	1,225,229	0.3
Portland Model School Program	2,500,000	0.6
Programs for the Mentally Retarded	2,820,000	0.7
Other State Funds	1,512,805	0.4
Federal Funds distributed by the state	32,694,439	8.1
Community Colleges		
State Funds	38,625,580	9.6
Federal Funds	1,271,950	0.3
Cities		
State Funds		
Highways	26,278,138	6.5
Cigarette Tax	6,015,000	1.5
Liquor Funds	7,343,829	1.8
Counties		
State Funds		
Timber	7,455,266	1.8
Highways	43,796,897	10.8
Cigarette Tax	6,015,000	1.5
Liquor Funds	14,686,578	3.6
Mental Health Clinics	3,350,583	0.8
Health	49,745	0.01
Other State Funds	6,802,309	1.7
Federal Funds distributed by the state	3,154,467	0.8
City-County		
State Funds	429,211	0.1
Federal Funds	412,185	0.1
Special Districts		
State Funds	2,614,988	0.6
Federal Funds	334,308	0.1
Councils of Government		
State Funds	194,242	0.1
Federal Funds	251,134	0.1
Other Funds to Local Units		
State Funds	1,653,760	0.4
Federal Funds	8,486,483	2.1
TOTAL	\$404,092,934	100.0%
Total State	357,487,968	
Total Federal	46,604,966	

Source: Oregon State Executive Department, *Governor's Budget Recommendations*, 1971-73.

Resources

Stewart, Maxwell. *Money for Our Cities: Is Revenue Sharing the Answer?* Public Affairs Pamphlet No. 461. Public Affairs Committee, Inc., 381 Park Avenue South, New York 10016. April 1971.

Shoup, Carl S. "Taxes: The Collection and Distribution of Your Money: A Special Issue Prepared in Cooperation with the Research Institute of America." *Saturday Review*. Vol. III, No. 12, March 22, 1968.

Perloff, Harvey S., and Nathan, Richard P., ed. *Revenue Sharing and the City*. The John Hopkins Press, Baltimore, Maryland. 1968.

National Tax Journal. National Tax Association, Vol. 24, No. 3. September 1971. The total issue is devoted to revenue sharing.

tion of money provided for programs of the disadvantaged). In addition, each state would be guaranteed that it would receive awards at least equal to the sums received in 1971 under the categorical approach.

Welfare is another area where there is increasing pressure for block grants. In his address to the 1971 Legislative Assembly, Oregon's Governor urged action "to bring about substantially increased federal revenue sharing with state and local governments—in the form of federal assumption of the \$6 billion annual state and local welfare costs."

At the same time however, the Governor plead for another, more general kind of revenue sharing:

I urge this legislature to petition Congress to call a convention to propose a revenue-sharing amendment to the Constitution of the United States. One month ago, the New Jersey Senate and General Assembly unanimously passed a model resolution inaugurating this process. If 33 other states follow suit, Congress is obliged to call such a convention.

THE POTENTIAL OF GENERAL REVENUE SHARING*

The basic concept of federal revenue sharing as developed by Walter Heller** in 1964 when he was serving as chairman of the President's Council of Economic Advisors, pro-

*Excerpts from *Local Government Finance*, March 1970, a newsletter of the Bureau of Governmental Research and Service in cooperation with the Oregon Finance Officers Association.

MAJOR REVENUE SHARING PROPOSALS

Nixon Administration Proposal	Advisory Commission on Intergovernmental Relations
1. Revenue Base Personal taxable income (federal income tax base).	Federal personal taxable income plus state personal income taxes.
2. Rate 1/6 of one percent for fiscal 1971 to be increased yearly to permanent one percent for fiscal 1976 and thereafter.	1 percent of federal personal taxable income plus 25 percent of state personal income taxes collected in prior year divided by 2.
3. Distribution of Funds Proportion of U.S. population residing in each state adjusted to reflect state-local tax effort. Effort is ratio of total general revenues collected by state and local governments to total personal income.	Proportion of U.S. population residing in each state to reflect state-local tax effort. Effort includes ratio of total taxes to total personal income plus tax increases made each year over previous year.
4. Division of State Allotments between State and Local Governments State proportion is the ratio of state, school district, and other special district general revenues to total state and local governments general revenue. Cities and counties proportion is the ratio of city and county general revenues to total state-local general revenues.	State proportion is ratio of state taxes to total state-local taxes. City, county, and school districts receive proportion representing ratio of all local government taxes to total state-local taxes.
5. Local Governments Eligible to Receive Payments All general purpose units of local government (cities and counties).	Cities and counties having population of at least 50,000 and school districts.
6. Formula for Distribution to Local Governments Within State Cities and counties would receive a proportion of total state entitlement determined by the following two-part formula: (1) Ratio of general revenues raised by state and all units of local governments (2) Ratio that general revenue of each city and county bears to total general revenue of cities and counties in the state.	Each city and county over 50,000 population would receive a proportion twice the ratio its taxes bear to total state-local taxes. For cities and counties from 50,000 to 99,000 a population factor is also added. School districts receive an amount based upon the ratio of local school taxes to total of state and school district taxes.
7. Expenditure Requirements Only requirements imposed in addition to state-local sharing are quarterly reporting and accounting and maintenance of state aid to localities.	Only requirements imposed in addition to state-local sharing are reporting, prohibition of local expenditures of shared revenues in violation of state plan.

vides for a portion of personal income tax receipts to be turned over to state and local governments for use as these governments deem necessary. Distribution would be over and above existing conditional or categorical grants in aid.

The major assumptions of revenue sharing proposals are:

- (1) The plan can be financed out of growth without cutting back present federal spending for other purposes.
- (2) The need for funds at the state-local level will rise more rapidly than revenues from existing sources.
- (3) Formidable obstacles stand in the way of state-local tax increases.
- (4) A fiscal imbalance exists in the federal

system including inequality of power to raise revenue where needed most.

(5) The present system of federal categorical grants in aid has deficiencies which can be reduced, one major goal being decentralization in decisions regarding expenditures.

(6) Increased national debt. A plan developed by the National Advisory Commission on Intergovernmental Relations was introduced as the Intergovernmental Revenue Act of 1969 by Senators Muskie and Goodell. In September 1969 the plan of the Nixon administration was introduced. These two proposals have received the most attention from Congressmen and special interests.

Under the existing income tax structure of the federal government, revenue increases faster than the national economy.

The reverse is true of the tax structure of most states and localities. Local governments rely heavily upon the property tax and most states derive a sizeable share of their revenue from the sales tax. These revenue sources do not keep pace with the rate of national economic growth. In contrast, the expenditure requirements of the state and local governments tend to rise more rapidly than those of the federal government except in wartime. This fiscal imbalance or mismatch in the federal system has been carefully documented in a 1967 report of the Advisory Commission on Intergovernmental Relations.

The revenue sharing proposals considered by the 91st Congress have a number of features in common but there are also important differences which would vitally affect local governmental units in Oregon. (See box.)

****Heller, Walter, *New Dimensions of Political Economy*, Harvard University Press, 79 Garden Street, Cambridge, Massachusetts, 1966.**

lines of
inquiry

action
ideas

supporting information

Under the Nixon plan the states would receive 70 percent of the total funds distributed and cities and counties 30 percent. Under the ACIR proposal, the states would receive 49 percent; cities, 22 percent; counties, 13 percent; and schools 16 percent.

However, for any federal revenue proposal to have a significant effect upon local governmental finances in Oregon, the total amount involved would have to be larger than those amounts contained in any of the current proposals. Distribution formulas in all of the proposals are based primarily upon population. Oregon contains one percent of the total population of the United States. If \$5 billion were to be allocated by Congress for shared revenue, Oregon would receive approximately \$50 million, and of that amount the most liberal proposal would grant approximately one-half (\$25 million) to local governments.

The magnitude of the problem of adequately financing local governments requires action by all levels of government and increased federal revenues could be one additional source. However, it would appear to be unrealistic at this time to assume that funds from additional shared revenues will have much impact in meeting the total needs.

Currently a federal value-added tax of ten percent is being considered to assist the United States balance of payments and to eliminate the

Resource

"Are You Taxed Fairly?" *Christian Science Monitor*. A series of ten articles on taxation appearing in weekend issues between March 14 and April 16, 1970.

serious enforcement problems of all state and local government retail sales and gross receipts taxes.* Revenue sharing would take place on the basis of the distribution of retail sales and a state to receive funds would have to repeal its retail sales and gross receipts tax. This proposal envisages the distribution of \$20 to \$30 billion of funds.

Opposition Described.** If the need is there, and revenue sharing could meet it, why the opposition to it?

One has only to travel the length of Pennsylvania Avenue from the Treasury Department to the halls of Congress to find out. Many members of the key Ways and Means Committee in the House have been skeptical about it. One of them, Mrs. Martha W. Griffiths (D) of Michigan, has three main objections:

"Congress will never send back enough money in revenue sharing."

Congressmen are naturally irritated at the thought of handing out no-strings-attached revenue and letting local officials take pride on election day in having spent the money. (This is only a slightly more "gut" description of the old axiom that the pain of taxing should not be separated from the pleasure of spending the tax money.)

Then there is the distribution formula. "In my state," said Mrs. Griffiths, "the people of Dearborn would get back more per capita than the people of Detroit (where needs are greater)."

She is probably correct in wondering if the precise formula both for distribution to the states and for the pass-through to local governments would not be under constant reexamination.

"THERE IS AN OLD AXIOM THAT THE PAIN OF TAXING SHOULD NOT BE SEPARATED FROM THE PLEASURE OF SPENDING THE TAX MONEY."

"There would be a tendency for state and local governments to let their own sources of taxation decay."

When revenue sharing finally does have its day in court, many observers predict, the outcome will be less significant for the revenue it sends back home than for helping to focus debate on the plight of the cities.

"It won't be enough for the congressman to oppose revenue sharing," said John Shannon, Assistant Director of the Advisory Commission on Intergovernmental Relations. "He will be forced by his opposition to say just how he would help solve the problems of state-local financing."

Even if revenue sharing is adopted, by 1976—the year it is proposed to reach just \$5 billion—the various grant-in-aid programs may be about \$35 billion. This relegates the administration's revenue-sharing plan to something almost peripheral in relation to other kinds of federal aid.

Back in 1946, all federal grants-in-aid came to 6 percent of state-local spending. Today, at \$27 billion, they have grown to 18 percent of state-local spending, and the revenue gap worsens.

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*A three percent VAT would probably be necessary to raise the \$15 billion required to replace school property taxes on homes.

**Richard A. Nenneman, *The Christian Science Monitor*, April 4-6, 1970.

lines of inquiry

Students should understand the basic differences between charges and fees, as revenue sources, and taxes. The question of whether to look to this category for increasing revenue should take into consideration the principles stated in this section.

action ideas

Brainstorming. Using the definition of current charges, fees, and licenses given on pages 208 and 209, ask students to brainstorm as many specific examples as possible. Then ask them to speculate as to how many separate license and charge fees are issued in Oregon and percentage of total state and local revenue. Use the statistics in Table 20 to give a true picture and serve as impetus to examination of the principles which guide the use of this revenue source.

Resources

Occupation, Business and Amusement License Fees and Taxes in Oregon Cities, 1962-63. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon, 1963. Information Bulletin No. 134.

State Highway and Liquor Revenues to Counties and Cities: A Fiscal Analysis of the Effects of a Possible Substitution of Highway User Revenues for Liquor Revenues to Counties and Cities. Oregon Legislative Fiscal Committee, State Capitol, Salem, Oregon, 1964.

Recreation Facilities, Estimated Use and Recreation Charges. Reported by the Cities and Counties of Oregon and Washington. Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon, 1965.

supporting information

charges,

POTENTIAL AS A REVENUE SOURCE*

Nontax revenues, as defined by the U.S. Bureau of the Census, consist of current charges, special assessments, and all other general revenue *except* taxes and intergovernmental revenue.

Current charges comprise amounts received from the public for the performance of specific services benefiting the person charged and from sales of commodities and services (except those by liquor store systems and local utilities.) Fees, toll charges, tuition, interest earnings, and special assessments also fall into this category. Current charges make up more than 18 percent of the total general revenue for state and local government in Oregon.

Licenses and fees have become a revenue resource of increasing importance to both cities and counties but, on the whole, the state has not used them to any great extent. Thirty-eight state agencies in Oregon issue some 757 licenses and charge fees for services, but more than one-half of these fees are issued by only eight agencies, which collect the greatest share of the revenue as well. (See Table 20.)

*Excerpts from an analysis by the Governor's Fiscal Study Task Force.

licenses, and fees

Table 20
SELECTED LICENSES AND FEES ADMINISTERED
BY VARIOUS STATE AGENCIES, 1960 and 1970

Agency	No. Licenses and Fees	Total Collections (in thousands)	
		1960	1970
Dept. of Agriculture	124	\$ 1,958.1	\$ 3,843.2
Game Commission	63	3,184.6	6,447.0
Dept. of Commerce			
Insurance Div.	39	227.7	455.7
Bureau of Labor	42	432.6	832.0
Liquor Control Comm.	27	619.7	733.7
Dept. of Transportation			
Motor Vehicle Div.	55	15,365.1	26,766.2
Public Utility Comm.	28	16,227.6	25,399.4
State Health Office	64	282.0	663.2
Total	442	\$38,297.4	\$65,140.4
Statewide Totals:			
No. Agencies			
Collecting Fees			
38	757	\$40,272.4	\$69,854.9

Charges for Services. Charges, like fees, reduce the requirement of government to tax in order to support its activities. Charges mean that individuals directly receiving identifiable government services finance part or all of these services and tax revenues can be utilized to finance activities with genuinely collective (as opposed to individual) benefits.

However, care must be taken to establish charges that avoid unfair government competition that distorts resource allocation and reduces the level of national income. As a landlord, for example, the government should not set rents at less than prevailing rates, set special rates for oil and gas leases, etc.

The single major disadvantage of charges is their regressive character—low-income people must pay a greater fraction of their income for such services than high-income people.

However, in many instances discriminatory (nonuniform) charges can be set to avoid the regressive character of certain uniform charge formulae.

A second disadvantage is that the personnel of

government bureaus and agencies acquire great knowledge and expertise in their operations and typically become advocates of expanding their organization's activities and output. However, this understandable desire to be associated with a growing bureau or agency does not create interest in fees and charges that are likely to reduce the "output" of the organization. Consequently, the design of a rational fee system has little attraction. On the contrary, instead of employing charges to ration and to constrain output, fees and charges may be funnelled into a fund earmarked for the expansion of the organization's operation, thereby avoiding either legislative or executive branch budget control. For example, motor vehicle registration fees, operator's licenses, gasoline taxes, tolls, etc., are not now set with the intention of reducing the social costs of traffic congestion but instead to finance additional highway construction.

Third, fees and charges have not been particularly effective because government bureaus and agencies have not set them according to any consistent and rational set of principles and have not adapted them to reflect changing conditions.

Too often with respect to fees and charges, government organizations have been (a) inconsistent, and hence discriminatory, (b) lethargic where constant adaption was necessary and, (c) unduly influenced by the occupational groups they regulate or the "customer" groups they supply services.

Principles for Setting Fees. Appropriate principles do exist for initially setting and subsequently changing service charges and registration, certification, and license fees.

(1) Where particular activities, goods, or services create special health, safety, or other problems, states typically require registration, certification or licensure to practice certain occupations and to operate some types of enterprise, as well as the inspection of raw materials, production sites,

buildings, equipment, financial arrangements, and/or outputs of some businesses. Special problems often require regulation or inspection for the protection of participants in an activity; buyers, sellers, or the general public. Consequently, for example, the Office of the State Fire Marshal in Oregon inspects petroleum storage plants, delivery trucks, etc., the Department of Agriculture certifies the qualities of many Oregon farm products, the State Board of Health registers X-ray machines and licenses physical therapists, and so on. Although accidents, poor quality services, and other harm can be prevented by adoption of safety devices, stringent work rules, and so forth, regulation via registration, certification, licensure, and inspection are deemed necessary because there are no guarantees that everyone would act to eliminate these hazards.

Because the costs of regulation and inspection to protect producers, consumers and/or the general public derive solely from the particular activity or item regulated or inspected, their registration, certification, license, and inspection fees should cover the full costs incurred.

(2) The principle of neutrality also argues against special treatment of out-of-state firms or individuals seeking sales or employment, respectively, as well as against all fees that vary arbitrarily according to geographic location, com-

munity population, sex of the applicant, etc. Among inspected, regulated, or licensed activities, occupations, or products, bureaus and agencies should purposely avoid differential fees unrelated to the costs of control. Fee-payers should finance the fee-collecting bureau or agency according to the costs incurred in their regulation, inspection, and licensing.

(3) The neutrality principle requires that registration, certification, licensing, and inspection be initiated or continued only in instances where their respective benefits exceed their costs. Although fees can often be increased and thereby cover increased regulation or inspection costs, these activities should be reduced in scale, or possibly abandoned, when marginal net benefits from regulation or inspection fall below zero. If this were not done, once again fees would become equivalent to a tax.

(4) Because fees or charges greater or less than costs would mean the bureau or agency levying them is indirectly taxing or subsidizing the individuals who receive the benefits of its operations (e.g., college tuition, state hospital

charges), the justifications for such charges should be given regularly to the executive and legislative branches to prevent the development, either initially or over time, of hidden and unintended subsidies and taxes that subvert the public interest.

(5) Changing conditions require frequent evaluation and changes in fee and charge schedules if the advantages of fees and charges are to be reaped by society.

(6) Funds collected from charges and fees should be put to their most efficient uses; i.e., where returns to society are the greatest. Fees collected from the control of traffic congestion should be used for the construction of new highways only if the net present values of such investments (when properly calculated) exceed those obtainable from all alternative uses, including the reduction of taxes to finance other government activities.

Fees are prices and therefore are not appropriately related to income of persons paying the fee. A fee is paid because a service is desired, just as a loaf of bread is purchased to meet a need.

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VALLEY COUNTIES PLAN ON VEHICLE FEE*

Five counties have sent notices to the State Motor Vehicles Division so far saying they will levy a \$10 tax** on motor vehicles starting October 1.***

Under a new state law effective next month, cities and counties can levy up to a \$10 tax on motor vehicles, with half the money kept by the county and half going to the cities in the county.

Motor Vehicles Administrator Chester Ott said he expects to get more notices from counties in the next few weeks, and said at least 15 counties have the new tax under discussion.

The five who have sent notices so far are Benton,

Polk, Washington, Clackamas, and Lane.

Marion, Linn and Yamhill counties in the Mid-Willamette Valley plan to levy the full \$10 tax, which applies to most motor vehicles including motorcycles.

The local tax will be on top of the \$10 state tax now levied on autos. The state tax now is \$3 on motorcycles. Motorists will pay the total tax, including the local share, to the state, and the state will send the local share back to the counties.

Most counties plan to start the tax, if they levy one, on October 1, meaning it will apply to licenses which expire in October.

*From the Oregon Statesman, August 11, 1971.

**Although many refer to the levy as a tax, it is actually a fee, according to the Revenue Department.

***Enough signatures were procured on a referendum petition to place this 1971 legislation on the ballot in 1972, for voter approval. If the voters do not approve, the above information is of historical interest only.

lines of inquiry

Local government units, while depending largely on the property tax for revenue (54 percent) are financed from a variety of other sources. This makes it difficult for laymen to cope with the problem of holding these units accountable. Teachers can use this section for reference as questions are generated by other areas of study (such as budgeting and the bureaucracy).

action ideas

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public

Budgeting is the most important aspect of public finance administration, but it is also one of the most important means by which Oregon citizens can become involved in setting the policies and priorities of state and local government. Therefore, budgeting procedures are included as part of the supporting information for the section dealing with the orderly procedures for bringing about change that are built into Oregon's Constitution and statutes. (See page 268.)

Because the methods of financing Oregon public schools and community colleges are somewhat complex and unique, they have been singled out for discussion here, along with the procedures for accounting, purchasing, and debt administration, which apply to all municipal corporations, including cities, counties, school districts, and special districts.

FINANCING PUBLIC SCHOOL EDUCATION

The method of financing elementary and secondary education in Oregon is quite complex, involving revenues from four levels of government—federal, state, two intermediate level taxing agencies, and the local school district.

There are three major state

Resources

The Basic School Support Fund: Its Appropriation and the Mechanics of Its Distribution. Superintendent of Public Instruction, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1971.

"Progress Report: The Implementation of Recommendations by the Business Task Force on Education." Oregon Board of Education, Cooperative and Auxiliary Services, 942 Lancaster Drive NE, Salem, Oregon 97310. April 9, 1971.

Financing Oregon Education. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1961.

Barr, W. Monfort. *American Public School Finance.* American Book Company, New York, N.Y. 1960.

Boyd, Richard S. *Sources of Public School Finance in Oregon.* Oregon Education Association, 5900 SW Haines Road, Tigard, Oregon. 1960.

Burke, Arvid J. *Financing Public Schools in the U.S.* Harper and Rowe, Publishers, New York, N.Y. 1957.

Financial Accounting for Local and State School Systems. U.S. Office of Education, Washington, D.C. 1957.

Financing Local Government in Oregon. Association of Oregon Counties, League of Oregon Cities, Oregon School Boards Association, Salem, Oregon. 1968. (Available in the State Library.)

finance administration

sources of local school district revenue.

Basic School Support. The Basic School Support Fund approximated \$100 million for the 1971-72 school year. For distribution purposes, the Basic School Support Fund is divided into three accounts—transportation, growth, and the foundation program.

(1) Local school districts providing pupil transportation services in accordance with regulations and standards established by the State Board of Education are reimbursed a portion of the expenses incurred in connection with home-to-school transportation and board and room in lieu of transportation.

(2) Money distributed to local school districts through the apportionment for growth is intended to assist districts to meet a portion of their additional expenses resulting from an increase in the number of pupils to be served.

(3) The greatest portion of the money available is distributed through the foundation program account. Funds in the foundation program are distributed two ways—as flat grants (which all districts receive), and as equalization (which some districts receive).

A flat grant is a uniform amount of money which each district receives for each student resident. During the 1970-71 school year, 81.5 percent of the available money in the foundation program account was distributed as flat grants.

Equalization funds—18.5 percent of the foundation program in 1970-71—are distributed under a rather complex formula. It intends to provide a method of ascertaining the extent to which nontax revenue sources contribute to the wealth of individual districts, and the means by which the comparable wealth of all school districts can be determined. Once determined, the formula then considers each district's ability to finance its resident students' basic program (\$483 for

elementary and \$628 for secondary programs in 1970-71). To the extent that a district is unable to do so, equalization funds are made available.

The 1971 Legislative Assembly made slight changes in the formula by which funds are distributed. Essentially, however, the description above is correct.

Common School Fund. The Common School Fund represents the distribution of earnings from permanent school endowments and revenue derived from land credited to the fund. During the 1970-71 school year the amount distributed approximated \$1.3 million or about \$2 per census child in the state.

Appropriations for Specific Programs. In addition to the two major state revenue sources listed above, the legislature has made a series of specific appropriations for specific purposes. Districts receive from these appropriations only to the extent that they participate in the programs specified. Among such appropriations would be programs for handicapped children, mentally retarded, educationally able and gifted, driver education, disadvantaged children, and certain special school programs for which the state assumes 100 percent of the cost.

INTERMEDIATE EDUCATION DISTRICT RESOURCES

At the intermediate level there are two major revenue sources.

The County School Fund. Under Oregon statute each county is required to establish a county school fund and levy for this fund an amount at least equal to the lesser of (a) the minimum amount it was required to levy for the purpose in the tax year 1965-66 or (b) \$10 per capita for all children within the county between the ages of 4 and 20 years, as shown by the preceding school census.

No limit to the county levy for schools is

lines of inquiry

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Resources

Oregon Community Colleges. Policies and Procedures Governing State Assistance Program for Construction of Facilities. Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1967.

supporting information

prescribed if properly voted. However, the total county levy, in which is included the County School Fund levy, may not be increased in any year beyond six percent above the highest levy of the three previous years in which such levy was made without a special vote of the people. This limit excludes debt service levies and special levies voted by the people.

The principal revenue source for the County School Fund—in addition to the property tax—is federal forest fees.

Prior to the 1971 legislative session, the distribution of the County School Fund was on the basis of the number of census children in each common school district in the state. Because it was limited to "common school districts," union high school districts could not share in the proceeds of the distribution. The statute was changed in 1971 so that distribution is presently on the basis of average daily membership and union high school districts receive their proportionate share.

Equalization Levy. The second major distribution from the intermediate level is the intermediate education district equalization distribution. The intermediate education district (IED) in Oregon is a statutorily created taxing agency whose boundaries are coterminous with the boundaries of its local school districts. The boundaries of the IED may be, but are not necessarily coterminous with county boundaries.

Taxes levied by IEDs are determined under one of two distinct statutory procedures. Under the first, the IED is authorized to levy, subject to the six percent constitutional limitation, a tax sufficient to pay its own operating expenses, an amount which it may set aside for distressed districts, and 50 percent of the operating expenditures of all component districts as estimated by formula. Except for amounts retained for the IED board and staff expenses and for distressed districts, such receipts are distributed among the school districts in proportion to each district's average daily membership. Twenty-five of Oregon's IEDs determine their levies in this manner.

Four IEDs operate under a second procedure by which the authorized levy, subject to the six percent constitutional limitation, is determined by the amount required for the operating expenses of the IED plus the levies, as approved by the IED board, of all component school districts. After setting aside the appropriation for the board and staff expenses, the revenue is distributed among the school districts in the proportion that each approved district levy is to the total of all such levies.

The financing of elementary and secondary education in Oregon is heavily dependent upon the local property tax. Approximately 68 percent of county and local district tax levied for grades K-12 is from local district taxes; approximately 68 percent of all property taxes levied are for public elementary and secondary education. No nonproperty taxes are authorized for support of schools (except for state appropriations).

There are no statutory tax rate limits for school support. Unless approved by a majority of the people, school district levies may not exceed by more than six percent of the highest lawful levy, exclusive of debt service levies and specific levies authorized by the people, in any one of the last three years in which such levy was made.

School district bonded indebtedness may not exceed .55 of one percent of the total true value of all taxable property in the district for each of grades 1-8 and .75 of one percent for each of grades 9-12.

COMMUNITY COLLEGE DISTRICT RESOURCES *

Oregon's approach to the financing of com-

munity colleges is somewhat unique. Each community college constitutes a taxing district and levies property taxes for partial support of its operation. Approximately 27 to 30 percent of the operating cost of community colleges derives from the property tax levy.

The legislature appropriated approximately \$35 million of operating money to be distributed to community colleges from the state level during 1971-73. The money is to be distributed on the basis of a "light bill formula." For example, during the first year of the 1971-73 biennium, each community college received an amount equal to the sum of: \$701 per equivalent full-time student for the first 500 such students; \$579 per equivalent full-time student, for the next 400 such students; and \$528 per equivalent full-time student, for each such student over 900. During the second year of the biennium, each community college should receive an amount equal to the sum of: \$743 per equivalent full-time student, for the first 500 such students enrolled in the community college; \$614 per equivalent full-time student, for the next 400 such students; and \$560 per equivalent full-time student, for each such student over 900.

Though Oregon contributes nothing from the state level to construction costs of elementary and secondary schools, the state is heavily involved in support of construction of community colleges. The legislature has committed itself to financing 65 percent of the costs for approved community college construction. Because state funds have not been available to reimburse the local community college districts immediately for the obligation incurred, the statute has been drawn in such a manner that community college districts are assured of funds to meet the obligation as soon as they become available.

ACCOUNTING PROCEDURES OF LOCAL GOVERNMENTS

The major purpose of an accounting system is to provide information which is of use to both elected and appointed governmental officials in controlling, coordinating, and planning the activities and functions of their governmental unit. Accounting is a method of recording, classifying, and measuring financial facts so they can be interpreted to supply information concerning

*Excerpts from *Background Information on Local Government in Oregon*, Bureau of Government Research and Service, University of Oregon, Eugene, Oregon, 1967.

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the activities of the governmental unit. This requires the keeping of accounts and records designed to furnish financial information in an understandable form. The accounting system can be as effective as the responsible elected and appointed officials desire, depending on the extent to which it is used by those individuals making policy decisions, and the investment they are willing to make for the development of a good accounting system.

Local governmental units in Oregon may use a cash or accrual basis of accounting, or a combination of both. When cash accounting is used, revenues are recorded only when received, and expenditures are recorded only when actually paid. When the accrual basis of accounting is used, revenues are recorded when earned or when taxes become a lien on property taxed, and expenditures are recorded when a liability is incurred, even though part or all of the payment may be made in another accounting period. The most conservative system uses a cash basis of accounting for recording revenues and the accrual basis for recording expenditures.

The accounting system of a governmental unit necessarily differs in some respects from that used in private business. The two most common characteristics of governmental accounting, when compared with commercial accounting, are "funds" and "appropriations." The significance and required use of funds has pre-

Resources

Gearhart, Jane A. "Special Districts—Local Governments' Unorganized Minority," *Willamette Law Journal*, Vol. IV, 1967.

Quarterly Summary of State and Local Tax Revenue, Bureau of the Census, U.S. Government Printing Office, Washington, D.C.

viously been discussed. However, it should be noted that the establishment of a fund does not necessarily include the authority to spend. Oregon law requires special action of the governing body to enact the proper ordinances or resolutions to make appropriations, and it is the appropriation which constitutes the authority to incur obligations.

Cost Accounting. Cost accounting has been defined by the National Committee on Municipal Accounting as "that method of accounting which provides for the assembling and recording of all elements of cost incurred to accomplish a purpose, to carry out an activity or operation or to complete a unit of work or a specific job."*

It is distinguished from mere "expenditure" accounting which records the amounts paid and charges incurred without reference to work performed and, hence, will not yield information as to the cost of specific projects or work performed. Through "program" accounting, total costs of a specific function or program can be determined, but *unit costs* are not necessarily given.

"Cost" accounting, which relates expense to work accomplished during a given period of time, is very useful for such purposes as estimating the quantity of work that can be accomplished for a given number of dollars. It also provides a warning system for managers and policymakers by comparing costs for the same unit of work over a period of time. Unexplained changes suggest areas needing further investigation.

Cost accounting is a great deal more complicated than simple expenditure accounting, and it is difficult to analyze some governmental operations on a cost accounting basis. However, some types of activities, such as public works and many routine clerical processes, are susceptible to cost accounting analyses.

If accounting is viewed by public officials as one of the tools by which they may control, coordinate, and plan the activities for which they are responsible so that services are provided at the lowest possible cost, improved accounting systems will be developed and a greater understanding of the operations of the various governmental offices will be forthcoming.

If an accounting system is fulfilling one of its

major functions, periodic reports are provided to elected officials indicating the revenues received by fund, and expenditures made for various functions. Monthly reports can be provided to the governing body listing the funds received each month, accumulative totals for the fiscal year, and expenditures by function and object. Such reports can alert the elected officials to problem areas, provide cost information about various functions, and give some indication of need.

AUDITING PROCEDURES OF LOCAL GOVERNMENTS*

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Auditing is an integral part of the accounting process. It includes both preaudits before expenditures are made and postaudits after funds have been expended.

Preauditing is the responsibility of officers or employees of the governmental unit and its purpose is to determine that funds are available for the proposed expenditures and that no legal requirements are being violated.

A postaudit is required by Oregon state statutes and must be made annually by persons outside of the governmental unit. The audit required by statute may be made by the Division of Audits of the Secretary of State's office at the request of the local governmental unit, or by a private auditor. The Secretary of State's office encourages the use of local auditors who have met the standards of the State Board of Accountancy.

The National Committee on Municipal Accounting disapproves of awarding audit contracts on a bid basis. The rules of professional conduct of the Oregon State Board of Accountancy specify that "A Certified Public Accountant . . . shall not make a competitive bid for a professional engagement in the State of Oregon. Competitive bidding for public accounting services is not in the public interest, is a form of solicitation, and is unprofessional."

The auditing function is of importance to elected officials because through this device they can determine whether expenditures have been made legally and in accordance with the intent of the governing body. If a preaudit is made, a number of interpretive problems and questions which sometimes arise in the postaudit can be minimized.

*Municipal Finance Officers' Association, *A Manual for Smaller Governmental Units*.

**Ibid.*

lines of inquiry

action ideas

Resources

Fiscal Data: A Report on Expenditure Requirements, Budget Resources and Bonded Indebtedness of Counties, Cities, and Certain Special Districts in the Four-County Portland Metropolitan Area. Griffenhagen-Kroeger, Inc., Portland, Oregon, 1966.

Jones, William C. *A Critical Appraisal of Public School Bonding Practices in Oregon.* Unpublished dissertation, University of Oregon, Eugene, Oregon, 1963. (Available from University of Oregon library.)

supporting information

LONG TERM FINANCIAL PLANNING*

Elected officials who must balance mounting service costs against scarce financial resources can use long-range financial planning as a tool in establishing priorities and allocating funds to achieve maximum services for every dollar expended. This long-range planning for services and finances should be developed together with the master plan for physical development of the area. A long-term financial plan consists of the following:

- (1) A projection of the public services that will be required to serve the population of the area
- (2) A capital improvement program consisting of a comprehensive list of public improvements that will be needed, including a priority list
- (3) Cost estimates for the annual operations and capital outlay to provide the necessary services and capital improvements
- (4) Estimates of existing funds and, if necessary, new revenue possibilities.

Expenditures listed in the long-range operating budget can be divided into four categories:

- (1) New programs to be financed from the general fund
- (2) New equipment including individual departmental equipment of a semipermanent nature

**Ibid.*

(3) Regular operating funds for current programs including all expenditures for personal services, contractual services, and commodities

(4) Estimates of the cost of providing future capital improvements including expenditures necessary for the acquisition of land and the construction to be undertaken. Estimates of revenue from existing sources can be analyzed to determine whether these sources are sufficient or whether new revenue sources should be explored.

Financial planning is difficult for various reasons. Local governmental officials are unable to forecast with precision the amount of funds which will be forthcoming from the state and federal levels of government. Factors such as inflation, population growth and movement, and standards established by federal and state governments are difficult to project. Despite these limitations, a plan for future development can serve as a guide in making current decisions. For a financial plan to be meaningful, it is important that elected officials, as well as specialists and citizens of the community, be involved in developing it.

PURCHASING PROCEDURES OF LOCAL GOVERNMENTS*

At one time, governmental purchasing procedures were generally informal and decentralized with each officer or department head doing his own buying with no bids required. During the past half-century, however, many governments have introduced centralized purchasing systems as a means of fostering economy and efficiency. Where centralized purchasing has been introduced, authority is delegated to one office to purchase all or most of the supplies, materials, and equipment needed for use by the operating branches of the organization. Where purchasing is decentralized, each department or agency must usually fill its needs at retail prices, but with the pooling of departmental requirements, larger orders can be made which may frequently be filled at wholesale prices, and the use of standard specifications and competitive bidding can be facilitated.

In cities and counties having managers, and in public school districts, the manager is sometimes designated by charter, ordinance, or policy as the purchasing agent, although he may delegate

his responsibilities to a subordinate. In counties where centralized purchasing prevails, the purchasing agent is usually appointed by the board of county commissioners.

Local governmental units in Oregon have developed cooperative purchasing agreements. These agreements commonly call for local governments serving the same community to exchange specifications and to give notice to the other units of proposed purchasing. These agreements have proven to be most satisfactory in the purchase of such items as tires, gasoline, fuel oil, etc., which are used in great quantities by the units involved.

Another approach to purchasing is for the local governmental units to utilize the services of state purchasing departments. In Oregon, statutory provision permits the State Department of General Services to provide centralized purchasing of materials and supplies for local units of government. Purchases may be made through the state with local deliveries by vendors, or supplies may be obtained from the state stores. At present, the state is not in a position to handle all requests for services because of inadequate facilities.

DEBT ADMINISTRATION BY LOCAL GOVERNMENTS*

Oregon statutes contain limitations and other requirements for bonded indebtedness which counties and cities incur from general obligation bonds and special assessments. The statutes authorize the counties to contract bonded indebtedness to carry into effect any of the powers granted to them by law when the indebtedness is authorized by the voters. However, statutes limit the aggregate amount of bonded indebtedness of counties to two percent of the true cash value of all taxable property of the county. The bonded indebtedness which cities can incur is limited to three percent for general purposes, but there are no statutory restrictions on the issuance of bonds for financing municipal utilities, water and sewage facilities, hospitals, infirmaries, gas, power, or lighting facilities, or off-street parking. The statutory authority provided for special districts to incur bonded indebtedness varies considerably according to the type of function being undertaken.

**Ibid.*

**Ibid.*

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Assessments for Improvements. Whenever counties and cities undertake improvements and assess the costs to property which is benefited by such improvements, the citizens who are assessed have the option of paying their obligations in installments. In order to finance the portion of the improvement cost represented by the deferred payments, the city or county may sell "Bancroft" or special improvement bonds. Under the Bancroft Act these bonds may be issued without a vote of the people, even though they carry the general obligation of the issuing city or county. The amount of bonds that may be issued under the Bancroft Bonding Act is limited to three percent of the true cash value of the municipality, regardless of the amount of other outstanding indebtedness, or to nine percent of the true cash value of the city less the bonded indebtedness of the city for general purposes and for municipal utilities that were not self-supporting during the preceding year. Self-liquidating bonds for sewer financing are limited to 15 percent of the latest assessed value of the issuing municipality, but this limitation is applicable only when a city chooses to use the statutory authority provided for such financing. It is not applicable to similar bonds issued by authority of a charter amendment.*

*The state constitution places a limit of \$5,000 on county debt but provides this limitation may be exceeded by legislative action. The legislature subsequently took such action, raising the amount to two percent of true cash value of taxable property.

Over an extended period of time, rather general agreement as to the purposes for which it is proper for local governmental units to borrow has been reached by various authorities on public finance and groups such as the International City Managers' Association and the Municipal Finance Officers' Association. Borrowing to pay operating costs is uniformly condemned. The types of capital expenses which may be safely and reasonably financed by long-term loans may be categorized as follows:

- (1) Self-supporting enterprises such as water and power systems where the amortization of the debt is sufficiently rapid to keep ahead of depreciation and obsolescence
- (2) Projects which are large and costly in relation to a governmental unit's current financial resources provided such projects have long utility and are not of a frequently recurrent type.

There are many capital requirements which are almost as steadily recurrent in nature as the operating costs of a governmental unit. These include the routine extension and replacement of facilities, and some types of equipment which are of relatively short-term value. A safe and conservative borrowing policy will exclude this type of project even though it may be difficult to obtain funds for them during the current fiscal period. Continued borrowing for such purposes tends to pyramid debt. Restrictions on current expense borrowing do not of course apply to short-term loans in anticipation of the receipt of taxes. However, borrowing in anticipation of revenues incurs additional cost.

Management of Bonded Indebtedness. Bonds, according to the method of redemption, are of two general types: sinking fund and serial. Bonds to be financed through a sinking fund become due in lump sum at the end of the term of the loan. They are met by annual payments to the sinking fund of amounts which, when invested in compound interest, will produce the amount of principal by the time it becomes due. Serial bonds are retired by annual installments directly from revenue received by the governmental unit.

Oregon statutes require that all bonds issued by cities and counties shall be serial bonds, with the first payment of principal falling due not later than five years after issuance of bonds for

general obligation bonds and two years for special assessment bonds issued under the Bancroft Act. Bonds may not be issued for more than 30 years. The statutes permit the combined installments for all general obligation bonds to be in sums that will permit a substantially uniform tax levy for retirement of principal and payment of interest of all outstanding tax-supported bonds. This permits cities to avoid fluctuations caused by bonds issued for different expiration periods.

Revenue bonds provide another form of financing for revenue-producing enterprises in which both interest and principal may be payable exclusively from the earnings of that enterprise. They rely exclusively on the earnings of the project which they have paid for and have no claim on the general credit or taxing power of the governmental unit which issues them. Local governmental units have used such bonds to finance water systems, electric plants, sewer systems, bus systems, housing, airports, recreational facilities for which charges are made, and various other types of revenue-producing facilities.

With the local governmental units providing an ever-greater number of services to the citizens of the community, the amount and type of indebtedness incurred becomes increasingly important. Indebtedness usually cannot be avoided, but effective management will insure that payments on bonded indebtedness are not sufficiently irregular to cause substantial variation in the tax rate, and that accumulation of deficit financing does not occur.

Oregon state statutes insure a conservative financial policy. Within the framework provided by the statutes, the local government unit has the responsibility for developing and maintaining a financial program tailored to its particular needs.

An integrated finance program including financial planning, budgeting, accounting, and auditing constitutes the most important tool in the executive management of a governmental unit. It is, therefore, vital that all aspects of financial administration be integrated, that competent officials utilize these tools in the decision-making process.

major concept 3

GOVERNMENT, LIKE ALL INSTITUTIONS OF SOCIETY, MUST RESPOND TO CHANGE, AND IN A DEMOCRACY THE NATURE AND DIRECTION OF GOVERNMENTAL RESPONSE TO CHANGE IS CONDITIONED BY THE EXTENT OF POPULAR PARTICIPATION IN POLITICAL PROCESSES.

The governmental process is dynamic. It adapts to pressure brought about by changing social values and mores of a given society insofar as those governed give support and consent to the process. Therefore, the governmental units through which the political process flows must be responsive to changing values, attitudes, and ideals, as well as the modern technology of the society it serves.

However, to be responsive, governmental units must have the participation of an informed and sophisticated citizenry. Effective participation depends on knowledge of both the structure and the processes of government, but most important, it depends on process, because it is

skill in applying political pressure that motivates participation.

A citizen who is motivated, and equipped to act politically will soon inform himself about the structure. For instance, anyone who knows that the democratic procedures of government agencies in Oregon include the right of appeal to the courts will have no difficulty in locating the proper tribunal.

To be realistically taught, Concept III must come across to the student as the most important understanding he can have about his role in society. To slight the importance of effective popular participation in a time of intense and rapid change is to emphasize the necessity of following strong leadership. There is only one thing wrong with reliance on followership as the model for citizenship, and although it has been expressed many ways, perhaps the following quotation makes the point about as well as any:

"If I can lead you out of the wilderness, someone else can lead you right back in."

This section, then, is devoted to an examination of the ways and means that can be employed by people to effect change in government, and in society through government.

lines of inquiry

Students need to build confidence in the idea that government can and will respond to the needs of citizens. The most important element in determining a person's willingness to be actively involved in politics is knowledge of how he can effectively influence the formation of public policy.

This section attempts to identify the channels through which effective political participation may be achieved.

action ideas

Defining Citizenship. What does the term "good citizen" mean and what criteria can be used to measure it?

A useful tool to spark discussion along these lines because it provides a means for categorizing civic behavior is:

Civic Education for the 70's, by John DeCecco, Publication No. 129 of the Social Science Education Consortium, Inc., 970 Aurora Avenue, Boulder, Colorado 80302.

Mr. DeCecco describes civic behavior in terms of these style categories: private man, elite man, alienated man, and civic man. Students can apply these categories to themselves and others as a means of clarifying attitudes about what is required of a citizen in this decade.

supporting information

processes

Oregon has a unique political history, and has many times been a precedent-setting state in terms of its philosophy and operation of government. It is important to understand the unusual character of the state and its citizens when contemplating state and local decision-making processes.

Oregonians have been characterized as "cautious progressives." The state has never in its history operated on a deficit basis. Consequently, budget proposals for local and state government operation are frequently the center of extreme controversy. This tendency reflects caution.

However, Oregon may well be the most experimental of any state in the Union in its approach to solving its own problems. It is the first state to establish a presidential primary and initiative and referendum procedures. It is one of the first states to effect major reorganization in state government to cope with unprecedented problems of expanding population and the shift from a rural to an urban way of life. It is one of the first states to accomplish major reforms in its property tax laws, such as the 1971 legislative decision to move away from uniform taxation of dwellings and toward a flexible system based on ability to pay (page 129). Long before

Resources

Greeststein, Fred L., *Children and Politics*. Yale University Press, New Haven, Connecticut. 1965.

Morgan, Joy Elmer, Ed., *The American Citizens Handbook*. National Council for the Social Studies, 1201 Sixteenth Street NW, Washington, D.C. 1968.

Oliver, Donald and Shaver, James. *Teaching Public Issues in the Social Studies*. Houghton-Mifflin Company, Boston, Massachusetts. 1966. (Paperback.)

Practical Political Action. Tufts University. Lincoln Filene Center for Citizenship and Public Affairs. Houghton-Mifflin Company, Boston, Massachusetts. 1962.

Citizen Makes A Decision. Film: 19 minutes, black and white, grades senior high. Decision-making and problem-solving. \$4.50. Available from Young America Films, AFL-CIO, Department of Education, 815 16th Street NW, Washington 6, D.C.

for participation

the United States recognized the direct election of Senators, Oregon had created statutory authority for that purpose. Women had the right to vote in Oregon over a decade before the 19th Amendment to the United States Constitution was ratified. These and many other examples of Oregonians' willingness to innovate can be found in the state's history.

Of course, it is easy to oversimplify the nature of "the Oregon philosophy." Certain other factors are relevant to a better understanding of where power begins. Thus, the economy is an important element to understand. Each citizen's livelihood often determines where his political interests lie. In Oregon this means the government must be responsive to the needs of an agrarian population, an expanding urban society, timber interests, and other businesses dependent upon natural resources, such as fishing and tourism.

Within this general framework, what are the ways in which Oregon citizens can become active participants in state and local government? What are the established procedures for effecting change—in government and through government? The list should include:

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- (1) Elections
- (2) Political party processes
- (3) Individual and group action
- (4) Legislation—state and local
- (5) Lobbies
- (6) Initiative and referendum
- (7) Budgeting
- (8) Boards, commissions, elected and administrative officials
- (9) Oregon's Ombudsman
- (10) Court processes

"NOW LET US LOOK AT THE PERSON WHO IS PRACTICALLY NEVER ATTACKED, THE INDIVIDUAL WHO HOLDS THE HIGHEST TITLE THAT FREE SOCIETY CAN AWARD: CITIZEN. WHAT HAS HE DONE TO INSPIRE CONFIDENCE IN SELF-GOVERNMENT? APATHETIC, SELF-ABSORBED, AND SELF-SERVING, TOO MANY OF US TAKE A FREE RIDE, REFRAINING FROM ANY DISTINCTIVE EFFORT TO WORK FOR THE COMMON GOOD. IN A VITAL SOCIETY THE CITIZEN HAS A ROLE THAT GOES FAR BEYOND DUTIES AT THE BALLOT BOX. HE MUST MAN THE PARTY MACHINERY, SUPPORT SOCIAL AND CIVIC REFORM, PROVIDE ADEQUATE FUNDS, CRITICIZE, DEMAND, EXPOSE CORRUPTION AND HONOR LEADERS WHO ACTUALLY LEAD. ONE THING THE CITIZEN CAN, INDEED MUST, DO IS REJECT FIERCELY AND CONSISTENTLY POLITICIANS WHO LIVE BY MANIPULATING THE EMOTIONS OF FEAR, ANGER, AND HATRED." Gardner, John W. "Priorities of the 70's," *New Leader*, January 5, 1970.

lines of inquiry

If a significant exercise of political power is through voting, why is apathy such a critical problem of American citizenship?

Students need to confront this problem and perhaps can do so by first analyzing their own attitudes toward voting before considering apathy as an abstract phenomena that affects our society.

Questions such as: Who votes? Who doesn't? Why? are useful probes.

action ideas

Research. Examine particular state and local election results as case studies of apathy or how it is overcome. School district elections are particularly useful (see resources).

Community Service Project. Students might assist precinct workers, or other groups, with registration drives, record the difficulties encountered in getting people to register or in the registration process, and write a report with recommendations to the community and the legislature.

Debate. Some countries use compulsory voting to overcome apathy. Students may wish to research the issue for a debate on: "Should voting be required of all qualified citizens?"

Election Procedures. Hold your own mock election on an official election day. Have each student register to vote according to proper procedures. Set up election boards, make up ballots, select counting boards. If your city or county uses electronic voting machines, get information on their use from your county clerk, or have someone from the clerk's office come to class and demonstrate the procedure of voting electronically.

Resources

Official Abstract of Votes, General Election 1968. Available from Election Division, Secretary of State, State Capitol, Salem, Oregon 97310.

Oregon Elections Manual. Pt. 1, Voter's Manual. Pt. 2, Manual for Election Boards. Pt. 3, Manual for Candidates and Political Parties 1969-70. Pt. 4, Manual for Initiative and Referendum Sponsors. Oregon Secretary of State, Elections Division, 121 State Capitol, Salem, Oregon 97310.

Summary of Reports of Campaign Receipts and Contributions, 1968 General Election. Secretary of State, Elections Division, State Capitol, Salem, Oregon 97310.

Latest List of Elected Officials in the State. Secretary of State's Office, State Capitol, Salem, Oregon 97310.

Election Laws. Secretary of State, State Capitol, Salem, Oregon 97310.

Robinson, Donald W. et. al. *Promising Practices in Civic Education.* National Council for the Social Studies, National Education Association, 1201 Sixteenth Street NW, Washington, D.C. 20036. 1967. \$4. (Paperback.)

supporting information

voting:

CITIZEN POWER IN THE BALLOT BOX*

"Whatever the social goals that motivate people to go into politics, the best way to achieve those goals is to elect candidates who share them. All politicians know how to count votes. Nothing could be more important to the future of American society than the way in which those votes are distributed on [election night] in November. On election night they don't count the issues, they count votes. . . ."

Party leadership as well as social issues is at stake in major general elections, unless, as is the case in Oregon, coalitions in the legislature cut across party lines and tend to blur party leadership regardless of election outcomes.

"Citizen power in a democracy is located in the ballot box . . . and campaign activity provides as good an opportunity as our system allows to encourage meaningful dialogue between citizens of differing points of view. It stands as the single most effective form of lobbying yet devised. It is the best possible counter to the distorting effects of big money in political campaigns. It is the breeding ground for long-range change. . . ."

"A number of social scientists have identified the demographic characteristics of the

*Vote Power: The Official Activist Campaigner's Handbook. © 1970 by The Movement for a New Congress (Palmer Hall, Princeton, New Jersey). By permission of Prentice-Hall, Inc., Englewood Cliffs, New Jersey.

a primary responsibility

REGISTERING AND VOTING IN OREGON

Oregon's Voter Qualifications. To be eligible to register and vote in Oregon, a person must be:

- (1) A citizen of the United States
- (2) 18 years old or over by the day of the election
- (3) A resident in the state for 30 days by the day before the election. Those who meet all requirements except this one may vote for the nomination or election of President and Vice-President of the United States by applying for a special certificate of registration and certifying that they have not voted for the nomination or election of such candidates in another state during the preceding six months.

Oregon does not allow persons serving a term of probation, parole, or imprisonment for conviction of a felony to vote.

Oregon's Registration Procedures. By law, each county in Oregon must designate an election official—usually the county clerk—who is also the official registrar.

Oregonians can register with any county registrar, anytime prior to 30 days preceding the election in which they vote. Those who will become eligible during the 30 days prior to an election should also register during the 30-day period before the deadline. A fee of not more than 50 cents may be charged for registering those who are away from their home counties.

Any person who cannot appear in person due to illness, physical disability, or prolonged absence from the state may make a written application to his county clerk. Residents of Oregon who are out of state may also register with any notary public or official who is authorized to register voters. The certificate issued by the registering official can be mailed to the county clerk of the county in which the voter resides.

The following information must be supplied under oath:*

- Full name and sex
- Residence address
- Length of continuous residence in Oregon immediately prior to registration
- Date and place of birth
- Father's full name
- Mother's full maiden name
- Full name of spouse
- Occupation or profession

Proof of citizenship is no longer required of naturalized citizens who have not previously registered. This requirement was repealed in 1971.

Party affiliation, or lack of party affiliation, or a declaration of desire not to supply such information
Signature

It is only necessary to register once in Oregon, unless:

- (1) Residence is changed
- (2) Address is changed for any reason
- (3) Name is changed by marriage or court order

Voting Procedures. Only those who are registered may vote, to satisfy specific residence or property qualifications in to satisfy unique residence or property qualifications in order to vote.

Primary elections are held the fourth Tuesday in May of even-numbered years; 8 a.m. to 8 p.m.

General elections are held the Tuesday immediately following the first Monday in November of even-numbered years; 8 a.m. to 8 p.m.

Special election dates and times are set by local officials and announced in local newspapers or by posted notices prescribed by law.

Polling places in each precinct are announced in the local newspaper a few days prior to election; this information can also be obtained by calling the county clerk's office.

Upon entering the polling place on election day, each voter is required to state his name in full and place of residence to the clerk in charge of the poll book. At a primary election it is also necessary to state political party affiliation. The poll book clerk determines if the voter's name and residence are listed in the poll book; and if this information is correct, the voter is asked to sign the poll book and proceed to the ballot clerk who will furnish him with the ballots. Any questions regarding the ballots may be discussed with the clerk before entering the voting booth.

It is a violation for anyone to willfully leave any material in the voting booth which will indicate how the voter has marked his official ballot. Folded official ballots must be delivered by the voter to an election board clerk without revealing their contents.

people who are least likely to vote. Most agree in listing the young, blacks, the poor, the less well educated, women, and people in rural areas. In addition, research bears out the fact that 'local differences in the turnout for elections are to a

large extent related to local differences in the rules governing, and arrangements for handling, the registration of voters. The more difficult it is to register, the higher the proportion of non-voters.' **

*The penalty for giving false information is a fine of not more than \$5,000 or not more than two years imprisonment, or both.

**From an article by Stanley Kelley Jr., Richard E. Avers, and William G. Rowan in *American Political Science Review*, June 1967.

action ideas

Oregon Elections. Students should become familiar with the various forms of balloting: examine an election ballot marked by hand, a ballot that is marked by machine and read by a computer, and an absentee ballot that is issued to qualified voters ahead of election time. They might compare how these various forms of balloting work and submit their opinions on improving or modifying the system to their legislators.

Political Activism. Every junior or senior student should be encouraged to select a candidate he would like to support, go to the campaign headquarters of that candidate, and ask to help with the campaign—passing out literature, taking opinion polls, checking voter registration, conducting a telephone campaign, etc.

Resources

Becker, Carl L. *Freedom and Responsibility in the American Way of Life*. Random House, New York, N.Y. 1945.

Vincent, William S. *Roles of the Citizen: Principles and Practices*. Row Peterson and Company, New York, N.Y. 1959.

Oregon Elections Manual Part Three: Manual for Candidates and Political Parties 1969-70. Office of the Secretary of State, Elections Division, State Capitol, Salem, Oregon 97310.

True Story of An Election. Film: 56 minutes, black and white, grades 7-adult. Detailed story of an election in Orange City, California. *\$9. Also available from Dimension Films, 733 N. LaBrea Ave., Los Angeles, California 90038.

Vote Power: The Official Activist Campaigner's Handbook. The Movement for a New Congress. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. \$1.50. (Paperback) 1970.

Nimmo, Dan. *The Political Persuaders: Techniques of Modern Election Campaigns*. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. 1970. \$2.45. (Paperback)

supporting information

"Anthony Downs has developed a 'cost-gains' theory based on the assumption that every rational man decides to vote just as he makes all other decisions: if the returns outweigh the costs, he votes; if not, he abstains.

" 'In some parts of the country registering to vote is confusing, difficult, and time consuming ... Time is the most obvious cost of voting. In low-income areas, however, many residents see the costs in more tangible terms. One of the most difficult jobs of registering voters in some neighborhoods is convincing people that registration does not subject them to new taxes, new debt obligations, or other financial responsibilities. People in these areas are likely to be highly suspicious of contacts with government.' "

VOTER PARTICIPATION IN OREGON

The 1970 census indicates that Oregon's population is 2,091,385. Of this, 1,391,702 are of voting age (including 18-year-olds). However, a number of individuals 18 years and upwards, due to legal impediments, would be denied the right to vote in Oregon; i.e., aliens, institutionalized, paroled felons, and mobiles. The Secretary of State's office estimates this number to be 31,675. Thus, the total eligible voters in Oregon is estimated to be 1,360,027. The total number who voted in the 1970 General Election was 681,381, or approximately 50 percent of the total eligible voters.

**VOTER REGISTRATION, GENERAL
ELECTION, NOVEMBER 3, 1970**

County	Precincts	Democrats	Republicans	Other	Total	1970 Population (18 years or older)
Baker	26	4,408	2,702	121	7,231	9,860
Benton	60	9,121	11,320	925	21,366	36,625
Clackamas	119	41,794	33,912	1,452	77,158	105,919
Clatsop	52	8,029	6,028	334	14,391	19,755
Columbia	43	8,751	4,165	241	13,157	18,215
Coos	82	16,092	8,066	422	24,580	36,356
Crook	17	2,739	1,660	78	4,477	6,573
Curry	21	3,117	2,411	151	5,679	8,567
Deschutes	27	7,560	6,012	201	13,773	20,056
Douglas	72	17,157	12,670	653	30,480	45,356
Gilliam	6	597	592	17	1,206	1,503
Grant	15	1,582	1,587	43	3,212	4,550
Harney	19	1,690	1,265	64	3,019	4,663
Hood River	22	3,065	2,493	224	5,782	8,689
Jackson	60	21,090	19,607	1,652	42,349	63,664
Jefferson	14	1,919	1,665	49	3,633	5,137
Josephine	56	8,067	8,125	334	16,526	24,193
Klamath	92	12,058	8,260	714	21,032	32,612
Lake	20	1,455	1,360	25	2,840	4,050
Lane	189	52,789	38,945	2,501	94,235	140,875
Lincoln	44	7,362	5,248	461	13,071	17,922
Linn	104	15,390	11,903	599	27,892	45,630
Malheur	34	4,480	4,947	125	9,552	14,462
Marion	84	31,127	33,089	1,540	65,756	99,720
Morrow	9	1,094	986	48	2,128	2,898
Multnomah	847	162,666	106,512	6,370	275,548	388,582
Polk	56	6,783	7,641	373	14,797	23,799
Sherman	5	553	514	33	1,100	1,425
Tillamook	35	4,680	3,384	113	8,177	11,871
Umatilla	60	10,294	8,817	520	19,631	29,808
Union	32	5,143	3,555	167	8,865	13,143
Wallowa	12	1,924	1,391	15	3,330	4,163
Wasco	39	5,020	3,870	220	9,110	13,256
Washington	88	33,213	37,273	1,885	72,371	100,155
Wheeler	5	453	440	7	900	1,236
Yamhill	18	8,409	8,278	427	17,105	26,414
Total	2,484	521,662	410,693	23,104	955,459	1,391,702
					Estimate of ineligible voters	31,675
					Total eligible voters	1,360,027

Source: Secretary of State, Elections Division, Bureau of the Census.

**COMPARATIVE VOTER PARTICIPATION
PRIMARY ELECTIONS**

Year	DEMOCRATIC			REPUBLICAN			OTHERS			TOTAL		
	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent
1960	420,958	286,868	68.1	365,377	256,447	70.2	10,701	2,557	23.9	797,036	565,334	70.9
1962	457,224	236,808	51.8	383,253	220,273	57.5	13,625	2,859	21.9	854,102	459,940	53.9
1964	456,508	305,583	66.9	383,752	292,539	76.2	13,065	5,145	39.4	853,325	603,267	70.7
1966	507,603	267,808	52.8	399,297	244,148	61.1	17,441	4,821	27.6	924,341	516,777	55.9
1968	550,121	394,454	71.7	428,626	324,023	75.6	17,915	6,954	38.8	996,662	725,431	72.8
1970	557,189	300,022	53.8	437,188	260,914	59.7	23,640	7,625	32.3	1,018,017	568,551	55.8

GENERAL ELECTIONS

Year	DEMOCRATIC			REPUBLICAN			OTHERS			TOTAL		
	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent	Regis- tration	Voted	Per- cent
1964	511,973	434,958	84.9	402,336	343,001	85.2	18,152	13,286	73.2	932,461	791,245	84.8
1966	518,228	363,864	70.2	412,586	317,545	77.0	19,011	12,387	65.2	949,825	693,796	73.0
1968	530,074	439,706	83.0	420,943	368,887	87.5	20,834	15,969	76.6	971,851	824,562	84.8
1970	521,662	360,962	69.2	410,693	297,234	72.4	23,104	13,682	59.2	955,459	681,381	71.3

lines of inquiry

Politics, the process of sharing power, is the heartbeat of a democratic society. But many people, in good conscience, avoid political involvement or even use moral grounds to proudly disclaim any personal identification with the political processes available to them.

Students should keep this dichotomy in mind as they examine the institutions and processes of Oregon politics. What happens to a political party if most citizens refuse active membership? Who, then, limits the range of choices in an election by selecting and backing the candidates?

In addition, students can better understand the uniqueness of Oregon politics by comparing practices here with those in other states.

action ideas

Citizenship Training. A highly useful tool for increasing student skill in a critical citizenship area discussing controversial issues is the first program in the Public Issues Series of the Harvard Social Studies Project. The material is titled, *Taking a Stand: A Guide to Clear Discussion of Public Issues*, and was written by the Project Directors, Donald Oliver and Fred Newmann. The material, student booklets (40 cents each), with teachers guide, is published by American Education Publications, Education Center, Columbus, Ohio 43216.

Political Financing. Have students find out how campaign funds are raised and report on limitations, if any. Discuss campaign funds and the candidates who use them. Does the amount of money spent by a candidate affect the outcome of the election?

Resources

Jonas, Frank H. Ed., *Politics in the American West*. University of Utah Press, Salt Lake City, Utah. 1969.

Truman, David B. *The Governmental Process: Political Interests and Public Opinion*. Alfred A. Knopf, New York, N.Y. 1955.

Ball, Grant T., and Rosch, Lee J. *Political Parties and Elections*. Follett Basic Learning Program, Follett Educational Corporation, Chicago, Illinois. 1961. Page 145 of *Elementary-High Textbooks 1970*, Study lessons in Civics (Slow Learners Program). \$5.80.

Hooper, Roy. *Getting With Politics: A Guide to Political Action for Young People*. Delacorte Press, New York, N.Y. 1968. \$4.95.

Baldwin, Raymond E., *Let's Go Into Politics*. The Macmillan Company, New York, N.Y. 1964.

Cannon, James M., ed., *Politics U.S.A.: A Practical Guide to the Winning of Public Office*. Doubleday and Company, New York, N.Y. 1966.

McCarthy, Eugene J. *Dictionary of American Politics*. Penguin Books, Inc., 7110 Ambassador Road, Baltimore, Maryland 21207. \$1.25 (Paperback)

supporting information

politics:

OREGON'S SPLIT-TICKET POLITICS

Oregon is the nation's only commonwealth run like a New England town meeting, according to one long-time observer of state politics. Harry Bodine, political writer for the *Oregonian*, made the following analysis of Oregon's political scene:*

"I don't belong to an organized political party," Will Rogers once joked, "I'm a Democrat."

What the famed comedian said 50 years ago still stands as far as Oregon's political system is concerned—for Republicans as well as Democrats.

The state's political structure was much like the rest of the country until a reformer named Walter S. U'Ren sold the legislature and the voters on the initiative and referendum in the early 1900s.

Since then, Oregon has plunged down a political trail uniquely its own. (See page 261.)

To an outsider, the prospect of the only legislature in the nation unable to attach an emergency clause to tax legislation, a constant trek to the polls to vote school budgets, fire district bond issues, and a host of ballot measures often appears as a scatterbrained way of doing business.

*The *Oregonian*, January 10, 1971.

a second responsibility

But Oregonians, embarking on this course in 1906 and embellishing it from time to time, have come to enjoy its benefits and frustrations and have stoutly resisted any serious tampering.

On the national level, the Oregon system's power reaches its zenith in the wide-open presidential primary which has short-circuited a number of candidacies and "made" others. (See page 239.)

The theory is that the "people" do the deciding. Ask a typical Oregonian how he or she votes and the reply won't be "straight ticket" except in rare cases.

The stock answer is, "I vote for the man."

Party Structure.* This independent, detached approach to voting would drive a Chicago ward boss straight out of his mind, which is the reason why his counterpart is a vanished species in Oregon. No political leader can "deliver" a county or political subdivision in this state.

All of Oregon's 36 counties have split tickets in major races in recent elections.

The only sure-fire bastions where one party always triumphs are found in Multnomah County legislative subdistricts where Republicans have never lost the west side and Democrats bat 1,000 election after election in North Portland, east county, and the south city.

The state's registration law channels all but 2.5 percent of the electorate into the Democratic or Republican camps because voters have to declare their preference in order to cast primary ballots. (See page 227.)

But once that hurdle is passed, the typical Oregonian ranges all over the political landscape making his November choices.

Those who labor within the party structures are Oregon's true silent activists. Neither party has been able to fill all of its precinct committee posts around the state. Normally one-third to 50

percent are vacant.

Unlike their counterparts in some Eastern states, county and state chairmen and national committeemen are little more than fund raisers and spear carriers in Oregon. Their power is limited to the party structures.

Those who seek these jobs find them a lot of work (if they feel ambitious and dedicated), affording precious little glory.

Successful candidates typically try to keep the party workers happy and then concentrate their major efforts on the independently oriented public.

Experience has shown them it's the way to win.

Homogeneous Electorate.* Based on voter registration, Oregon is a Democratic state. If the electorate followed party lines, Democrats would win every state office, every congressional district, about 80 percent of both houses of the legislature and about 28 courthouses out of 36.

But the voters don't buy straight tickets. Typically they go for "moderates" in both parties who are in tune with a basically homogeneous moderate electorate.

One of Robert Kennedy's unhappy campaign aides commented the day after the 1968 primary (the only election any Kennedy family member has lost in a generation) that Oregon had "no ethnics."

The whole state, he explained, was one great big WASP (White Anglo-Saxon Protestant) suburb.

Oregon is about 98 percent white. The black population and that of Mexican American Chicanos, the state's other recognized "minority" groups are growing, but their numbers are not large enough to have a major impact on the electoral process yet.

The minorities' success has come when they have convinced moderate leaders in both parties of their desirability as candidates.

**Ibid.*

**Ibid.*

lines of inquiry

action ideas

Political Debate. Students might ask members of rival political parties to speak before the class on a current issue in Oregon. Observe if facts discussed by different political parties may be interpreted in different ways. Discuss and summarize after guests have left classroom.

supporting information

Candidates and issues reflecting viewpoints of a narrow segment of the electorate have not fared well in Oregon.

Recognizing this key point has been a major factor in the success of outnumbered Republicans at the Oregon polls.

Third parties have failed to get off the ground in Oregon.

George Wallace managed to acquire six percent of the 1968 presidential ballots, while 94 percent of the voters stuck with the Democrats and Republicans.

Two other groups, the New Party and Peace and Freedom Party, were unable to pool the 1,000 electors needed to qualify for a ballot position.

Maybe it's the climate or lack of crowding, but Oregonians tend to take their politics a little less emotionally than residents of other states. A spirit of "live-and-let-live" prevails, and the real passions are saved for important issues that surface briefly in the political process.

As Oregon gets a good start into the 1970 decade, some segments of the population question the system. Some youths are particularly vocal, and some of their elders are unhappy about "too much talk, too little action" in solving the state's problems.

But any threat to frequent elections, initiative, referendum, a direct voice in school budget finance appears dim.

Resources

Scott, Andrew M. and Wallace, Earl. *Politics, U.S.A.: Cases on the American Democratic Process.* Macmillan Company, New York, N.Y. 1970. (Paperback.)

Riker, W.H. *The Study of Local Politics.* Random House, New York, N.Y. 1965.

Legislative Coalition. Oregonians' tendency to place issues above party loyalty is never more apparent than in the biennial effort to organize the Senate.

"The party organization of the legislature still carries over the effects of the many years of one-party dominance. Until the 1950's (except in rare sessions in the 1930's), both houses were so overwhelmingly Republican that partisan considerations were virtually ridiculous; and in the early 1960's when the Democratic Renaissance brought about a nearly balanced body, its procedures took little account of party. [In 1971,] the House once again had a Republican majority, while the Senate was still nominally in Democratic hands. But a coalition of Republicans and conservative Democrats continued the pattern of cooperation in that body which has existed for the past decade. Formal caucuses play little role, even for organizational decisions, and the presiding officer (though by mutual understanding a member of the majority) is elected by a personal vote that does not follow party lines."*

POLITICAL PARTY ORGANIZATION IN OREGON

Oregon statutes define a major political party as "an affiliation of electors whose candidates for presidential electors receive at least 20 percent of the entire vote cast for that office at the last presidential election."

As provided by law, at each state primary election, the two major parties in Oregon elect precinct committeemen and committeewoman—one committeeman and woman for each 500 registered electors, or major fraction thereof, in a precinct.

Any registered voter residing within a precinct may become a candidate for precinct office by filing a declaration with the county clerk or county elections officer on or before the seventh day prior to a primary election.

Each party has county central committees composed of the precinct committeemen and committeewomen in the county. County central committees govern the party within the county, elect the members of various other party committees within the state, and fill vacancies that occur in precinct and central committee offices between elections.

District nominating committees are composed of five committeemen elected by the county central committees in the congressional district and they have the power to nominate a candidate of the party to fill a vacancy in nominations for state office to be voted on in the district at large.

Congressional committees consist of two congressional committeemen elected by each county central committee within a congressional district (see page 303), and have the power to fill vacancies in nominations for the office of Representative in Congress for the district.

Each party has a state central committee composed of the chairmen and vice chairmen of the county central committees. Oregon law requires that each state central committee must hold an initial, organizational meeting not earlier than 55 days and not later than 75 days after the primary election. The state central committee of each party governs the party, fills vacancies in the nomination of candidates for United States Senator or any state office to be voted for in the state at large.

State party conventions must be called at least 55 days, but no more than 75 days, after the primary election to formulate, adopt, and promulgate a statement of party principles and select the party's candidates for presidential electors. If the call for convention is not issued by the state central committee within 50 days following the primary election, any delegate may call the convention. Delegates to the convention are prescribed by law. They must include the party's:

- (1) United States Senator candidates (and incumbents whose term of office extends beyond January of the year following the general election)
- (2) Representative in Congress candidates (and incumbents)
- (3) Candidates for state offices to be voted for in the state at large
- (4) Candidates for state senator and state representative
- (5) Members of the state central committee
- (6) Delegates elected by the county central committees (one delegate for each state representative the county is entitled to elect, but no less than one delegate per county)

*Jonas, Frank H., *Politics in the American West*, University of Utah Press, Salt Lake City, Utah, 1969.

lines of inquiry

action ideas

Checking Election Expenses. After a statewide election, obtain a copy of the *Summary Report of Campaign Contributions and Expenditures—Oregon Primary and General Elections*, and an *Official Abstract of Votes*, available from the Secretary of State's office. Have students find who in your community was a big contributor, and try to determine the reason, or motivation for such interest.

supporting information

A national committeeman and committeewoman are elected from each party for a four-year term. They are elected in the state at large at the primary election preceding each presidential election and they serve as Oregon's representatives on national party committees. Candidates for national committeeman and committeewoman must file with the Secretary of State a petition signed by at least 200 registered voters of their party.

Delegates to each party's national convention are also elected in the primaries and their votes are pledged to the presidential candidate named in their election petitions. Within 35 days following his election, each delegate must name an alternate and file the alternate's name and address with the Secretary of State. An alternate is bound to the same pledge as the delegate he would replace.

Candidates for party convention delegate must file a petition with the Secretary of State signed by not more than 500 voters of their party. Delegates' candidacy petitions must state the name of the person they support for President of the United States, or carry the word, "uncommitted." The national committee of each party allots the number of delegates to represent Oregon except:

(1) The national committeeman and woman, the chairman and vice chairman of the state central committee, and party officers designated by the na-

Resources

Jonas, Frank H., Ed. *Politics in the American West*. University of Utah Press, Salt Lake City, Utah, 1969.

Vote Power: The Official Activist Campaigner's Handbook. The Movement for a New Congress. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. \$1.50. (Paperback.)

POLITICAL CHARACTERISTICS OF OREGON VOTERS*

1. Racially, the state is 97 percent white, with what amounts to handfuls of persons of Negro, Chinese, Japanese, Arabic, and Indian ancestry, largely clustered in Portland. There are no real European "colonies" of consequence [except for the Russian colony in Woodburn].

2. In religion, the state is overwhelmingly Protestant, with a Catholic population of only around ten percent and a very small Jewish community (2.2 percent). "Fundamentalist" faiths are especially strong, with unquestionable political consequence.

3. Literacy and education levels are very high (the median Oregonian has completed 11.8 years of school) and the climate of opinion has been traditionally favorable to academic freedom and encouraging to education generally.

4. Less than half of all Oregonians are between 15 and 54 (the productive middle-age brackets). Roughly 30 percent are under 15, and 20 percent are 55 or over.

5. Since 1950, Oregon's population has been passing rapidly from the masculine domination common to a "pioneer" state, with heavy (and predominantly male) immigration, until today the state's women slightly exceed its men in numbers.

6. The Portland metropolitan area, long the victim of the state's principal gerrymander, registered over 60 percent

Democratic in Multnomah County, slightly over 50 percent Republican in Washington County, and about 55 percent Democratic in Clackamas County.

7. The Willamette Valley, long the heart of Oregon's "black Republicanism," is no longer "safe" country even for more moderate GOP candidates, and for fullblown conservatives it may be a wilderness. In 1964, Barry Goldwater failed to carry a county in it, either in the primary or the general election.

8. Oregon's coastal region, once a Republican stronghold, now shows a substantial Democratic majority in every county, with Coos a virtual stronghold. Democratic registration for the coastal area is now about 60 percent of the total.

9. Slightly over half of the registered voters in the three counties which compose the central southern section, Jackson, Josephine, and Douglas, are registered Democrats, but the voters in these counties tend to be a good deal more conservative than their northern counterparts on questions like civil rights and labor legislation. Josephine was one of four Oregon counties to favor Goldwater in the 1964 primary and produced the highest percentage for Alabama's Governor Wallace (by write in) in the state.

10. In recent years Eastern Oregon has turned Democratic (almost 60 percent by registration) from a once close party balance.

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tional committee as delegates become delegates at the option of the party.

(2) The number of delegates elected from each congressional district will be based on the number of registered electors of the party in the district on the date of the previous general election.

Presidential electors are selected at the state party conventions in the years in which a president and vice president are to be elected. Oregon is entitled to six, so each party selects six. Electors pledge to vote for the candidates of their party's choice.

Each major party includes various auxiliary groups such as Young Democrats and Young Republican Clubs. These groups are not recognized by law, but assist the regular party organization in encouraging voter registration, soliciting funds for party treasuries, and campaign activities.

NOMINATION AND RECALL PROCEDURES

Major Political Party Candidates. At the primary election held in May preceding a general election, the major parties nominate their candidates for each partisan public office to be filled. The following are partisan offices to which major parties may nominate candidates:

- (1) United States Senator

- (2) Representative in Congress
- (3) Governor
- (4) Secretary of State
- (5) Commissioner of the Bureau of Labor
- (6) State Treasurer
- (7) State Senator
- (8) State Representative
- (9) County and city* officers

Qualified electors of a major party may file for nomination by either the petition or declaration method. They file with the Secretary of State, county clerk, or city clerk, recorder, or auditor, not later than 70 days before the primary election (around March 15). Following the election, a certificate of nomination must be issued by the appropriate elections official after it has been determined that a candidate is eligible and has met all requirements of the law.

Minor Political Party Candidates. Oregon has not had any minor political parties for several decades; however, the statutes make provision for the establishment of such parties and for the nomination of candidates by them.

To qualify as a minor party, an organization of electors must file with the Secretary of State a petition with the signatures of enough qualified electors of the district to equal at least five percent of the votes cast for Representative in Congress in the last general election in the district.

*Jonas, *op. cit.*

*In very few instances are city candidates nominated at a partisan primary. Possibly only three Oregon cities choose candidates in this manner.

qualifications of candidates

All candidates must be fully qualified Oregon electors.

In addition to other qualifications, each person appointed to fill a vacancy in an elective partisan office must be registered as being affiliated with the same political party as his elected predecessor.

United States Senator:

1. Age: 30.
2. Citizenship: Must have been a U.S. citizen for nine years.
3. Residence: Must be an inhabitant of the state.
4. Party affiliation: Stated by candidate.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is regularly elected. [Art. I, U.S. Const.; Art. V, § 16, Ore. Const.; ORS 236.130]

Representative in Congress:

1. Age: 25.
2. Citizenship: Must have been a U.S. citizen for seven years.
3. Residence: Must be an inhabitant of the state.
4. Party affiliation: Stated by candidate.
5. Term of office: Two years.
6. Vacancies: The Governor calls a special election to elect a successor. [Art. I, U.S. Const.; ORS 236.120]

Governor:

1. Age: 30.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the state for the three years preceding the election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years. May serve only two successive elected terms.
6. Vacancies: In order, the following succeed to the governorship:
 - (1) The President of the Senate.
 - (2) The Speaker of the House.
 - (3) The Secretary of State.
 - (4) The State Treasurer.

The successor serves until the disability is removed or until the next regular biennial election. [Art. V, § 8, Ore. Const.]

Secretary of State:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the state.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years. Eligible for election to only two successive terms.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election. [Art. V, § 16, Art. VI, Ore. Const.]

State Treasurer:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the state.
4. Party affiliation: Stated by candidate.

5. Term of office: Four years. Eligible for election to only two successive terms.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election. [Art. V, § 16, Art. VI, Ore. Const.]

Attorney General:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the state.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is regularly elected. [Art. V, § 16, Ore. Const., ORS ch. 180]

Commissioner of the Bureau of Labor:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of this state for over five years preceding election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is regularly elected at the next regular biennial election. [ORS 651.030, Art. V, § 16, Ore. Const.]

Superintendent of Public Instruction:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the state.
4. Party affiliation: Nonpartisan.
5. Term of office: Four years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is chosen at the next regular biennial election. [Art. V, § 16, Ore. Const.]

District Attorney:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the state.
4. Party affiliation: Nonpartisan.
5. Term of office: Four years.
6. Vacancies: The Governor appoints a qualified person to hold office until the next regular biennial election.
7. Special: At the time of his election, the candidate must have been admitted to practice in the Supreme Court of Oregon. [Art. VII, Ore. Const.; ORS ch. 8, 236.137]

State Senator:

1. Age: 21.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county or district he represents for at least one year preceding his election.
4. Party affiliation: Stated by candidate.
5. Term of Office: Four years.
6. Vacancies: If a vacancy occurs during the session or before the session and after any election at which the vacancy could be filled, the county courts or boards of commissioners appoint a qualified person; otherwise,

the voters fill the vacancy at the next regular biennial election. [Art. IV, Ore. Const.; ORS 171.050]

State Representative:

1. Age: 21.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county or district he represents for at least one year immediately preceding his election.
4. Party affiliation: Stated by candidate.
5. Term of office: Two years.
6. Vacancies: If a vacancy occurs during the session or before the session and there is no intervening election at which the vacancy could be filled, the county courts or boards of commissioners appoint a qualified person to serve; otherwise, the voters fill the vacancy at the next regular biennial election. Art. IV, Ore. Const.; ORS 171.050]

Judge of the Supreme Court:

1. Age: 18-75.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of Oregon for the three years immediately preceding his election or appointment.
4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until the next regular biennial election.
7. Special: At the time of his election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court. [Art. VII, Ore. Const.; ORS 1.314, 2.020]

Judge of the Court of Appeals:

1. Age: 18-75.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of Oregon for at least six months.
4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until the next regular biennial election.
7. Special: At the time of his election or appointment, the candidate must have been admitted to the practice of law in this state and be a qualified elector of the county of his residence. [c.198, O.L. 69]

Tax Court Judge:

1. Age: 18-75.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have resided in Oregon at least three years preceding election or appointment.
4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until the next regular biennial election.
7. Special: At the time of his election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court. [ORS 305.452, 305.455, 305.460]

Circuit Court Judge:

1. Age: 18-75.
2. Citizenship: Must be a U.S. citizen.
3. Residence:
 - a. Must have resided in Oregon at

least three years and have principal office in or be a resident of his judicial district for at least one year immediately prior to appointment or becoming a candidate for election.

- b. Judge may reside within 10 miles of the boundary of the judicial district if the district has a population of 500,000 or more according to latest federal decennial census. (Multnomah County)

- c. First Judicial District: One judge in Jackson County and one in Josephine County.

Eleventh Judicial District: One judge in Crook, Deschutes, or Jefferson County and one in Gilliam, Grant, or Wheeler County.

Twelfth Judicial District: One judge in Polk County and one in Yamhill County.

Nineteenth Judicial District: One judge in Clatsop County, one in Columbia, and one in Tillamook County.

Twenty-first Judicial District: Two judges in Linn County, one in Benton County, and one in Lincoln County. [ORS 3.041]

4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is elected at the next regular biennial election.
7. **Special:** At the time of his election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court. [Art. V, VII, Ore. Const.; ORS 1.314, 3.041]

District Court Judge:

1. Age: 21.
2. Citizenship: Must be a U.S. citizen.
3. Residence:
 - a. In counties with a population of 500,000 or more, he must have been a resident for three years next preceding his election.
 - b. In a district of less than 500,000 population, he must be a resident of the district.
4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until a successor is elected at the next regular biennial election.
7. **Special:** At the time of his election or appointment, the candidate must have been admitted to practice in the Oregon Supreme Court but cannot engage in the practice of law during his tenure as District Court Judge. [Art. V, § 16, Ore. Const.; ORS 46.610, 46.630]

Justice of the Peace:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the district from which he seeks election for six months.
4. Party affiliation: Nonpartisan.
5. Term of office: Six years.
6. Vacancies: The Governor appoints a qualified person to hold office until a

successor is elected at the next regular biennial election. [Art. VII, Ore. Const.; ORS ch. 51]

County Commissioner:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VII, Ore. Const.; ORS ch. 204, 236.210]

Sheriff:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.

DECLARATION OF CANDIDACY FEES

Representative in Congress . . .	\$100
Governor	100
Commissioner of the Bureau of Labor	100
Superintendent of Public Instruction	100
Supreme Court Judge	100
Court of Appeals Judge	100
Circuit Court Judge	50
District Court Judge	20
District Attorney	20
State Senator	10
State Representative	10
Precinct Committeeman or Committeewoman	No Fee
County offices	20
District offices within the county	5

3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VI, VII, Ore. Const.; ORS ch. 204, 236.210]

County Treasurer:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VI, Ore. Const.; ORS ch. 204, 236.210]

County Clerk:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VI, VII, Ore. Const.; ORS ch. 204, 236.210]

County Assessor:

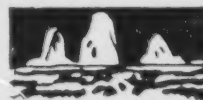
1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VI, Ore. Const.; ORS ch. 204, 236.210]

County Surveyor:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must have been a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The county court or board of commissioners appoints a qualified person to serve until a successor can be elected at the next regular biennial election.
7. **Special:** County residence requirement does not apply in counties whose population is less than 20,000. Must be registered under the laws of the state as a registered professional engineer or a registered professional land surveyor. [Art. VI, Ore. Const.; ORS 204.016]

County Auditor:

1. Age: 18.
2. Citizenship: Must be a U.S. citizen.
3. Residence: Must be a resident of the county for one year immediately prior to election.
4. Party affiliation: Stated by candidate.
5. Term of office: Four years.
6. Vacancies: The board of county commissioners or county court appoints a qualified person to serve until a successor can be elected at the next regular biennial election. [Art. VI, Ore. Const.; ORS 210.110, 236.210]
7. This officer is elected only in Multnomah County. [ORS ch. 210]



lines of inquiry

Oregon's Presidential preferential primary offers a solid launching pad for student investigation of the entire problem of selecting Presidential candidates.

action ideas

Research. Students might find out how many states have Presidential primary elections and compare them by charting their major characteristics by category such as: (1) how names are installed on ballot, (2) open or closed, (3) when held, (4) special provisions.

Students might also consider whether the process of selecting a President would be helpful if more states adopted Presidential primary elections. Or are such elections a liability to the overall process of electing a President?

supporting information

Once established, a minor political party has the authority to nominate by certificate of nomination one candidate for each partisan office to be filled at the general election. Certificates must be filed on or before August 29, 1972 with the Secretary of State or county clerk, whichever election is involved.

Nonpartisan Candidates. Candidates for nonpartisan offices to be filled at the general election must be nominated at the primary election unless only one candidate for an office has filed. Oregon has the following nonpartisan elective offices:

- (1) Superintendent of Public Instruction
- (2) Supreme Court Judge
- (3) Court of Appeals Judge
- (4) Tax Court Judge
- (5) Circuit Court Judge
- (6) District Court Judge
- (7) District Attorney
- (8) Justice of the Peace

Candidates for these offices may file by declaration or petition in the same manner as provided for political party candidates. Certificates of nomination are issued after the primary election.

Assembly of Electors' Candidates. An assembly of electors is an organized body of not less than 250 registered electors of the county, precinct, or other electoral district in which it wishes to nominate candidates, and 1,000 registered electors in the case of statewide nomination of candidates. An assembly of electors can organize by publish-

Resources

Nominating Conventions and the Electoral College: Is it Time for a Change? Scholastic Great Issues Series, Scholastic Social Studies Center, 904 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. \$.75. (Paperback.)

Wooanin, Thomas. *Mock Presidential Nominating Conventions*, Center for Information on America, Washington, Connecticut 06793. 35 cents.

ing a notice of meeting not less than ten days ahead of time in at least three newspapers of general circulation in the state, and the law prescribes what the notice must contain. Their candidates are listed on the ballot as "independent." Certificates of nomination must be filed on or before August 29, 1972.

Individual Electors' Candidates. Individual registered electors may propose candidates by certificate of nomination for election to all offices to be filled at the general election. Certifications must be filed on or before August 29, 1972 with the Secretary of State or county clerk, as appropriate. Certificates nominating candidates for statewide election must carry a number of signatures of registered electors equal to not less than three percent of the total vote cast for presidential electors in the last general election; for district offices, not less than five percent; for precinct offices, not less than ten percent; for justice of the peace, not less than ten percent or not less than 100.

Election Laws and Voters' Pamphlet. Oregon election laws contain specific requirements for acceptance of nominations, withdrawals, filling vacancies, statements of contributions and expenditures, and *Voters' Pamphlet* materials.

In Oregon, a *Voters' Pamphlet* is mailed to each registered elector not later than the 15th day before each primary, general, or special election. The post office is advised not to forward the pamphlet if the director's address is incorrect or the elector has moved. The pamphlet includes:

- (1) A full page of instructions to the voters
- (2) A description of measures to be voted on, drafted by an impartial committee appointed by the Secretary of State
- (3) A list of national, state, district, county, and city candidates of cities exceeding 50,000 in population; statements submitted by individual candidates concerning their qualifications and the issues they support, and pictures of candidates.

In addition, a *Voters' Manual*, a *Manual for Candidates and Political Parties*, and others, containing complete instructions and information concerning Oregon's election laws, may be obtained from the Elections Division of the Secretary of State's Office in Salem.

Recall of Elected Officials. A petition asking for

the recall of any elected official may be filed by any registered elector. Notice of intent to circulate a recall petition must be filed with the election officer with whom the official's nomination certificate was originally filed. The recall petition itself must be perfected on or before the nineteenth day after the filing of the original notice. It requires the signatures of qualified voters residing in the electoral district at least equal in number to 25 percent of the votes cast in the district for the position of Judge of the Supreme Court receiving the greatest number of votes at the preceding general election. Signatures are verified as to genuineness by the county clerk.

A petition which advocates the recall of any officer may not be circulated until the officer has actually held office for six months, except that such a petition may be filed against a Senator or Representative in the Legislative Assembly any time after the first assembly following his election has been in session five days.

The official facing recall may resign within five days following the filing of the completed petition, but if he does not resign, a special election must be held within 20 days after the expiration of the five-day waiting period. The official facing recall continues to perform his duties until the election results are declared.

Those advocating or those opposing recall must appoint a treasurer as fiscal agent and observe legal requirements for accepting and reporting contributions.

OREGON'S PRESIDENTIAL PREFERENTIAL PRIMARY*

In 1959, the Legislative Assembly enacted a statute which is now commonly referred to as the Oregon Presidential Preferential Primary Law.

The enactment of this unique law was the first of its kind in the United States and has been generally copied by the states of Nebraska and Wisconsin.

In introducing the proposed legislation the sponsors clearly stated the purposes of the law:

- (1) To force candidates for President of the United States to campaign in Oregon.
- (2) To establish the State of Oregon as an

*Excerpts from a statement by Oregon Secretary of State Clay Myers, 1970.

lines of inquiry

action ideas

Research. How accurate has the Oregon primary been in forecasting national party choices for Presidential candidates? Students might make a chart showing party candidates and winners in 1960, 1964, 1968, and also the winners of the Oregon primary. What conclusions can be drawn from the data?

supporting information

"important" state in the eyes of the rest of the nation.

To run for public office in the State of Oregon on any level is a most arduous task. The people of this state demand the right to see and meet the candidates, to shake their hands, to be able to question them face-to-face and to criticize openly the candidates and their views in "town hall" type meetings.

According to the Secretary of State, "The Oregon people resented being 'bypassed' by national candidates during their campaigns. Oregon is a small state and has only six votes in the electoral college. Most presidential candidates would not regard them as crucial; however, the people of this state want those votes to count."

There was some controversy during the initial Senate hearing on the measure. For instance, the bill as it was initially introduced did not contain any provisions for a candidate's withdrawal. There were some, including the then Secretary of State, who felt that this proposed law would give to his office too much power; power which could be used to manipulate. There were those who felt that the new law would prematurely force aspiring candidates to declare themselves and thereby jeopardize their positions, and would prolong the campaign periods. Once these objections were overcome in the Senate committee, the bill passed both houses with very little floor discussion.

From 1959 to 1967 there was no effort made to amend or repeal these provisions. However, in 1971 the withdrawal provision was repealed.

Oregon was visited by almost all of the candidates for President during those years.

In 1960, the Secretary of State determined that Richard Nixon and Nelson Rockefeller were nationally advocated as candidates for the office of President of the United States. Rockefeller, when notified of the Secretary of State's decision, filed an affidavit of disavowal, leaving Nixon the only Republican candidate. On the Democratic side, Lyndon B. Johnson, Stuart Symington, and Adlai Stevenson were declared to be candidates by the Secretary of State. Of the three, Stevenson was the only one to file an affidavit of disavowal. Three candidates, Hubert Humphrey, John Kennedy, and Wayne Morse, were petitioned onto the ballots, making five Democratic candidates for President of the United States.

In 1964, the Secretary of State determined that there were six nationally advocated Republican candidates: Barry Goldwater, Henry Cabot Lodge, Richard Nixon, Nelson Rockefeller, George Romney, and William W. Scranton. Of this group, two filed an affidavit of disavowal—Lodge and Romney. The Lodge affidavit was filed too late to cause his name to be removed from the ballots. A petition of nomination was filed supporting the candidacy of Republican Margaret Chase Smith. Lyndon B. Johnson was also the subject to a petition of nomination by the Democratic party. The Secretary of State had also listed Johnson as a nationally advocated candidate.

How did Oregonians vote for these individuals and how did they fare at their respective national conventions? In 1960, Richard Nixon, the only Republican candidate on the ballot, won the nomination by a large majority. There were several thousand scattered write-ins for Rockefeller and Goldwater. Kennedy was preferred by Oregon Democrats by an overwhelming majority. In this instance, the Oregon electors called it correctly. Nixon and Kennedy each received their party's nomination.

In 1964, the picture was somewhat different. The Republicans of Oregon preferred Rockefeller by a wide margin. The Democrats, of course, voted overwhelmingly for Johnson, the

only candidate on the Democratic ballot. At the national conventions, Johnson, the incumbent, received the nod; however, Barry Goldwater was chosen the Republican standard bearer. Here the Oregonians' choice was not reflected in the national convention.

How are the names placed on Oregon's preferential primary ballot chosen? The Secretary of State described the procedures followed in 1968. "We subscribed to the following newspapers and periodicals:

Chicago Tribune
Houston Chronicle
Los Angeles Times
National Observer
New York Times
Philadelphia Inquirer
St. Louis Dispatch
Wall Street Journal
Washington Post and Times Herald
Eight major Oregon dailies
Newsweek
Time
The Reporter
U.S. News and World Report

"These newspapers and periodicals were read with an eye toward clipping all news stories, editorials, feature articles, and poll results which in any way mention individuals or organized groups which show support or national advocacy for candidates of the major political parties.

"The definition of 'major political party' in Oregon Law is so written that only the Republican and Democratic parties may participate in our primary election; therefore, independent or third-party candidates cannot be considered as possibilities for the Oregon Presidential Preferential Primary.

"The primary law has not been difficult to administer and the office of the Secretary of State has never been criticized as to the selections made."

lines of inquiry

Because of widespread student interest in the "politics of protest," which often originates outside the usual channels of political expression, this section contains several case studies which will enable students and teachers to examine various kinds of ad hoc political activities.

As well as looking at the philosophical and legal questions involved, students might consider whether these various kinds of protest were realistic political actions calculated to affect change, or were, perhaps, more in the nature of emotional outbursts serving as therapy for the participants.

action ideas

Dramatizing Forms of Protest. Students might evaluate the effectiveness and legality of the various forms of protest through dramatization of a series of simulated protest movements:

- (1) By using visual materials, show scenes expressing various types of protest.
- (2) Through class discussion, bring out legal aspects, reasons for, and methods of protest.
- (3) Divide the class into groups and guide each group with its selection of a type of protest to dramatize. Have each group perform its dramatization, or simulation for the class and demonstrate to the class how the form of protest they have chosen has actually been used to achieve desired goals.

Resources

Civil Disobedience. Film: 25 minutes, black and white, grades senior high-adult. Production of the Oregon Bar Association. Reviews types of protest cases and types of violence in U.W. *\$2.25. Also available from KGW-TV, 1501 SW Jefferson, Portland, Oregon.

Man in the Middle. Film, 25 minutes, black and white. Small town mayor caught between white bigots and black power advocates. McGraw-Hill, Inc., New York, N.Y. *\$9.

Commager, Henry Steele. *Freedom, Loyalty, Dissent.* Oxford University Press, New York, N.Y. 1954.

Practical Political Action: A Guide for Young Citizens. Tufts University, Lincoln Filene Center for Citizenship and Public Affairs. Houghton-Mifflin Company, Boston, Massachusetts, 1962.

Battleground, U.S.A. Film: 27 minutes, black and white, grades 10-adult. Citizens use community action to initiate urban renewal. *\$5. Also available from Southern Illinois Film Productions, Carbondale, Illinois 62903.

Mill, Edward W. *Politics and Progress: Readings in American Government.* Silver Burdette Company, Morristown, New Jersey, 1971.

Lowry, Ritchie P. *Who's Running This Town?* Harper and Row, Publishers, New York, N.Y. 1965.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

ad hoc

ALTERNATIVES TO POLITICAL PARTY LEADERSHIP

The importance of political parties has derived from their ability to:*

- (1) Develop vigorous leadership
- (2) Arouse popular interest in issues
- (3) Rally the people in support of (or in opposition to) a program
- (4) Bring criticism effectively to bear
- (5) Provide a vehicle for the exercise of public accountability

Political parties are not the only means for achieving these ends, however. Citizens can and often do take successful individual or unofficial group action to build new leaders, arouse public interest in an issue, or influence official decisions.

Following are examples of citizen-initiated efforts to change the course of governmental action.

Coxey "Armies."*In the early part of 1894, numerous "armies" of unemployed were "marching" to Washington, D.C., to petition Congress for issuance of \$500,000 non-interest-bearing bonds for improvement of roads—the object being to afford employment for idle men. The movement was headed by Jacob S.

*Harder, Marvin A. *Nonpartisan Elections: A Political Illusion.* Henry Holt and Company for the Engleton Foundation, New York, N.Y., 1958.

**Scott, Harvey W., *History of the Oregon Country, Volume III.* Riverside Press, c1924.

citizen power

Coxey, of Massillon, Ohio, who in November 1893, announced that he intended to lead 100,000 men to the national capital. Coxey, with his followers, reached Washington May 1, attempted to make a speech from the Capitol steps, and was arrested and imprisoned 20 days for stepping on the grass.

Oregon and Washington had numerous "commonweal" companies of this "army," the members of which an editorial severely scored in *The Oregonian*, calling them "herds of vagrants." The editorial asserted that the men should make employment for themselves at tasks which the country needed done, and should not be fastidious about the kind of work available, the pay, or the hours of employment. The "armies" retorted with threats of riots.

On April 27, 1894, an "army" at Troutdale, Oregon, some 18 miles west of Portland, seized a train of the Oregon Railway and Navigation Company and started for Washington, D.C. Their train was halted at Arlington, Oregon, by United States cavalry troops sent from Walla Walla, on orders from President Cleveland. The troops brought the "army" before the United States district court at Portland, where Judge C.B. Bellinger reprimanded some 439 members and released them. A mob of Coxey followers, incensed by the denunciatory articles of *The Oregonian*, surrounded the establishment of that newspaper on April 30, 1894. While the mob was clamoring, Mr. Scott was writing a denunciatory editorial which was published next morning. Friends of the editor, fearing for his personal safety, surrounded him in *The Oregonian* building at Sixth and Alder streets, armed with rifles. The mob dispersed without violence.

The 1932 Bonus March.* "The Bonus March started in Portland, Oregon, early in 1932 with 300 veterans led by ex-Sergeant Walter W. Waters. Their aim was to march across the country—and ask Congress to pass the Patman

Bill for immediate payment of a bonus that World War I soldiers were scheduled to get in 1945. Because they were all veterans, they fell into military discipline. They caught freight trains and camped. As word of their mission spread, thousands of unemployed veterans drifted along to join them. It was better than staying at home, and the idea of being in an "Army" again was appealing. The numbers grew. On June 8, 1932, 8,000 veterans paraded down Pennsylvania Avenue. Neither Waters nor the Communists, who were accused of starting the March, nor the Washington police had expected so many, but there was no violence, no disorder. Crime actually declined in the District of Columbia while they were there. So many of the veterans were violently anti-Communist—their *B.E.F. News* praised Hitler and Mussolini—that the Communists who tried to infiltrate their ranks appealed to Washington Police Commissioner Pelham D. Glasford for protection.

"Once they arrived in Washington they did not seem to know what to do. When news of the defeat of the Patman Bill was announced to them, Hearst columnist Elsie Robinson whispered to Waters that he should tell the men to sing "America." They did. Hoover flatly refused to talk to them. Instead, he ordered regular Army troops to disperse the men. General Douglas MacArthur burned their shacks and routed them out with gas. Stunned, they broke and fled. . . .

"Hoover thought that the Bonus Army was a mixture of hoodlums, ex-convicts, Communists, and a few veterans, and he stuck to this view even after careful investigation by the Veterans Bureau and the Pennsylvania State Department of Welfare failed to substantiate it. Most people who read about the Bonus March in the newspapers thought the marchers intended to start a revolution.

"The truth was more frightening. The un-

*Copyright © 1966 by Caroline Bird. From the book *The Invisible Scar*, published by David McKay Company, Inc. Reprinted by permission of the publisher.

lines of inquiry

One way for students to learn how to organize, or to become a responsible participant in ad hoc citizen groups would be for them to study case histories of successful and unsuccessful examples and develop guidelines for ad hoc citizen groups that might operate at the local level.

action ideas

Case Study. Use the student booklet *Community Change*, by Donald Oliver and Fred Newmann to explore a case study in the application of ad hoc political power by groups in a typical American community faced with social change. The material comes with teacher's guide, costs 40 cents per student booklet, and is available through American Education Publications, Education Center, Columbus, Ohio. 43216.

Resources

Two high school level student books useful to a study of ad hoc politics are the following titles, published as part of the Inquiry Into Crucial American Problems Series. Prentice-Hall, Englewood Cliffs, New Jersey:

Urick, Ronald V. *Alienation*, 1970.

Kane, Frank. *Voices of Dissent*, 1970.

Riker, William H. *Study of Local Politics*. Random House, New York, N.Y. 1959. \$1.25 (Paperback).

Sharing the Leadership. Film: 30 minutes, black and white, grades 10-14. How leadership emerges, what is involved, and interrelationships. *\$5. Also available from Indiana University Audio-Visual Center, Field Services Department, Bloomington, Indiana.

Municipal Politics: Interest Groups and the Government. The AEP Public Issues Series, American Education Publications, Education Center, Columbus, Ohio 43216. \$40.

* Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

employed veterans of the war to save democracy were superfluous people—thousands and thousands of them marching, camping, and huddling together for sheer human warmth.”

Poor People's March on Salem.* Governor Tom McCall was presented with a list of specific legislative proposals to help the poor at the conclusion of the “Poor People's March” on Salem.

A coordinator of the march said from 2,500-5,000 persons were expected to participate.

“The march is a first step toward making Oregonians aware of the problems of the poor in this state,” he said.

The marchers stayed at the State Fairgrounds in Salem then moved to the steps of the Capitol to present their list to McCall. It included proposals for such things as tax incentives for industry to move into disadvantaged areas, a state-level bonding program to provide scholarships for the poor, and minimum housing standards for migrant farm labor camps.

The march was sponsored by the student governments of the University of Oregon and Oregon State University, the state Young Democrats, the University of Oregon Black Student Union, Students for a Democratic Society, Campus Draft Committee, and the Church Community Action Program.

People for Portland** Perhaps one of the most unique in-

*Excerpts from an *Oregonian* news story, May 28, 1968.

**As recorded in an interview with Mike Ragsdale, Co-chairman of People for Portland.

stances of unofficial citizen intervention in governmental decision making occurred in Oregon in 1970 when Portland faced a potential human disaster of the kind that Chicago, Berkeley, and Santa Barbara had already experienced.

As plans were being made to welcome the National Convention of the American Legion, a national youth organization calling itself the "People's Army Jamboree" announced that it would also hold its first national convention in Portland with the intention of promoting a peaceful confrontation with the American Legion over disagreements concerning the Viet Nam war. There was little doubt that although the intentions of the leadership of both organizations might be to confine such a confrontation to peaceful debate, the potential for violence was very great.

Other cities facing this kind of problem had based their plans for protecting property and life on the theory that they must be prepared to meet force with force. Frequently, the tactical units used to prevent violence were city police, the national guard, or federal troops. Results were always the same—violent confrontations which resulted in the destruction of life and property. It appeared to many that public officials at both state and city levels were preparing to handle the problems that might arise in the traditional manner—strict enforcement of the laws and punitive or remedial rather than preventive or preserving action. Individual citizens in Portland with experience in the use of group dynamics had serious reservations about the potential effectiveness of these contingency plans and the effort known as People for Portland grew out of their concern and organizational efforts.

By telephone and word of mouth, a small corps of about five people communicated their mutual concern to each other and to about 125 friends and acquaintances who agreed to attend an informal meeting to explore alternatives. As a result of this large group meeting a steering committee was formed, and the efforts were made to bring representatives of various public officials, at all levels, into the planning.

The steering committee of this unofficial, purely voluntary citizens group studied the literature of militant groups to learn what it could of radical

tactics for disruption and to develop counter strategies. Convinced that highly structured, inflexible plans to meet force with force, wherever outbreaks might occur, would only serve the purposes of any radical elements that might be planning to use the People's Army Jamboree for their own purposes, the steering committee sought more creative alternatives. With the cooperation of the Governor and other state and city officials, plans were made to hold a rock festival at McIver Park, about 20 miles outside the city. The plan worked. Thousands of young people were drawn to the festival and those with plans for instigating violent confrontations on the city streets could not overcome the logistical problem of getting the People's Army Jamboree back into Portland, away from the music, free food and shelter, and unstructured fun at McIver Park.

Citizens initiated the drive to gather used clothing and truckloads of produce to donate to the encamped People's Army Jamboree. In addition, People for Portland promoted opportunities for peaceful dialogue, rumor control, and dissemination of factual material about happenings throughout the metropolitan area. Citizen marshals prevented confrontation with the soft-spoken, sincere tactics of a host in his own home. Police frequently sidestepped confrontations in favor of People for Portland groups who were adept at spotting and preventing potentially violent situations from developing.

Consensus of the press and other civic groups was that People for Portland had found a citizen-to-citizen approach, a new form of "creative planning" to avoid political and social conflict, that really worked and that state and city government had backstopped the people in a way that had rarely been seen outside textbook situations in recent decades.

OSPRIG. After consumer advocate Ralph Nader appeared in Oregon in 1970, a spontaneous response from Oregon students at 21 state and private colleges launched OSPRIG—Oregon Student Public Interest Research Group. By the time a steering committee had been formed at a statewide meeting in Salem, 25,000 students had signed petitions supporting the concept. In the summer of 1971, 32,000 students had joined the organization, received approval to tax themselves \$1 per quarter, and hired ten full-time

lines of inquiry

action ideas

Power of the Pen. Teachers might work with students to identify issues of importance to them which involve the state government or some local unit of government. Once issues are identified, individual students can choose to research an issue and write letters to the appropriate public officials or to the editors of local or metropolitan newspapers, expressing his or her considered judgment.

Drawing Political Cartoons. Following the rules for good political cartoons, each student might make a cartoon of sufficient size to be used on the class bulletin board or in the school paper. The rules for a good cartoon are: (1) it must tell a story, (2) it must show strong feeling—for or against something, (3) it must have no more than three parts. Some possible cartoon topics: air pollution, water pollution, field burning, industrial pollution, traffic congestion, sales taxes, property taxes, conservation of resources.

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lawyers and other specialists to work with several teams of students and faculty members to do research and help solve environmental and consumer protection problems in Oregon. The effort is an entirely unofficial one in terms of government sponsorship or financial support.

Teachers and students could benefit by following the future activities of OSPRIG to determine the effectiveness of this type of unofficial citizen-sponsored activity.

CIVIL DISOBEDIENCE AS AN INSTRUMENT FOR CHANGE*

"There is no way for a citizen to challenge the constitutionality of a law except by breaking it. This paradoxical procedure is not only recognized by the judicial process; it is actually encouraged... Even after a court (including the highest court) has sustained a law, disobedience is an accepted way of challenging it and has reversed innumerable decisions which otherwise would have stood....

But, "whoever breaks the law for whatever reason—call it what he will—is a common criminal, however uncommon a man with however uncommon a motivation.

"What jurisprudence calls equity may suspend the sentence of the starving man who filched a loaf of bread; legend may acquit Robin Hood for the use he made of the money he stole; and history may

Resources

Raghavan, N. Iyer, Kalven, Harry Jr., Buchanan, Scott. "Civil Disobedience" *The Center Magazine*, Volume III, No. 3, May/June 1970. Center for the Study of Democratic Institutions, PO Box 4068, Santa Barbara, California 98103.

Diary of a Student Revolution. Film: 60 minutes, black and white. SDS and University of Connecticut confrontation over defense-work affiliations. *\$13.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**On Liberty: Man vs. The State* by Milton Mayer. The Center for the Study of Democratic Institutions, 1969. Reprinted by permission of Harold Ober Associates, Inc., Chicago.

acquit Gandhi for having taken salt from the sea without paying the British salt tax—but they are criminals all, along with every first and last signer of the Declaration of Independence—lawbreakers ‘laying the axe to the root of all established government.’

“In equity we try to distinguish between the conscientious and the unconscionable criminal. If he transgresses openly, and not furtively, and freely accepts the consequences of his crime and ‘turns himself in’ to pay the penalty, he seems to be conscientious; thus Gandhi, pleading guilty of ‘evading’ the salt tax, asked for ‘the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen.’ But John Brown is thought to have been conscientious, too, and he neither surrendered himself nor invited the penalty he paid.

“So, too, he who means to commit the crime in the interest of others and not in his own, or (though he, too, may be a beneficiary) means to attack a social injustice, seems to be conscientious; but it may be that the conscientious or unconscionable Negro who refuses to move to the back of the bus may, in fact, mean neither; and it is possible, even probable, that some of the white and black militants ‘liberating’ university buildings on behalf of Negro rights are not as much interested in Negro rights as they are in promoting what is sometimes called a rumble. Men’s motives are marvelously mixed, and just as marvelously inaccessible to definite determination by court or law; and in any case they are peripheral to the problem here.

“The problem here is the individual’s obedience and disobedience to the State in the person of its laws, not the purity of his motivation or the consequences of his act. He says he means to change a bad law and has no other objective. He is wrong, though his course of action may (like that of Martin Luther King or the rioters of the ghetto or the campus) actually have that effect. There is only one way for a citizen to change the law and that way is prescribed by his country’s Constitution. . . .

“The second difficulty is as troublesome. I am told that the way to change the law is to campaign for its amendment or repeal by a better law and meanwhile to go on obeying it. I am told by the *Washington Post* that ‘those who disagree with the policies of the government

have available to them a whole arsenal of orderly and lawful devices for changing those policies. Those who dislike an administration in power have a whole assortment of democratic processes by which the administration can be changed. The proper place for opposition is on the forum, the hustings, and at the ballot box. The proper means is orderly debate and argument.’

“Good enough, if the obedience required of me does not violate my conscience until such time as, by orderly debate and argument, I have persuaded a majority of my country to change the administration of its policies. I can endure a 25-mile-per-hour speed limit until such time as I can get it changed to 30, or a Saturday garbage collection until I can get it changed to Monday. I can endure no end of *prohibitory* laws—all the more lightly if they forbid me things I don’t want to do, such as sell narcotics or shoot my tiresome neighbor.

“But there are *mandatory* laws which command me to perform. The runaway slave is at my door in Ohio; a Negro enters my restaurant in Atlanta; the truant officer comes to my home to order me to take my child to the ‘worldly’ school forbidden by my Amish religion. What then?

“Am I to do the wrong—according to my conscience—and go on doing it until such time as the legislature permits (or commands) me to do right? The State’s answer is, and must be, ‘Yes or put yourself at war with the State.’” . . .

Oregon’s history abounds with examples of individuals and groups using civil disobedience as a means of influencing governmental decisions. Various types and styles of civil disobedience are illustrated by the following examples drawn from Oregon history.

Indian Tribes vs. the State of Oregon. In August of 1946, a fishing committee of the Warm Springs, Columbia River, Yakima, and Umatilla tribes reached a unanimous decision that Indians were within their treaty rights to continue netting salmon at Celilo Falls on the Columbia River, defying an ultimatum laid down by state fish commissioners of Oregon and Washington closing the season for a month. The committee voted unanimously to cooperate with state authorities in efforts to prevent black market operations during closed seasons. However, the

lines of inquiry

action ideas

Drawing Conclusions from Films. Let students view the film "Sit In" (see resources), then ask them to discuss the role that minority groups can play in influencing government actions. Be sure students understand the principle of using economic and social pressure to effect governmental decisions.

Role Playing. Use the following scenario: The city council has been presented with a plan for construction of a shopping mall in the deteriorating downtown business section of your small town. The mall would require financing at a quarter of a million dollars, and would prohibit auto traffic in a three-block section in the heart of town.

Interested groups are: the planning commission—a group of merchants in favor of the plan, a group of merchants opposed to the plan, the Chamber of Commerce (which is of divided opinion), the Jaycees (in favor),—and the Taxpayers' Protective Association (opposed).

There are seven city council members and the mayor, advised by a city manager, city engineer, and the city attorney. Shall the council adopt the mall plan, or not? Play your roles rationally and realistically.

Resources

Sit In. Film: 54 minutes, black and white, senior high-adult. White paper series with Chet Huntley narrating. Negroes sit-in at six Nashville, Tennessee, lunch counters and results. *\$9. Also available from McGraw Hill Films, 530 W. 42nd Street, New York, N.Y. 10036.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

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tribes agreed that subsistence fishing—taking of salmon for food for the fishermen and their families—would be continued in accordance with rights granted in the treaty of 1855.

Oregonian news stories at the time reported that although three braves were arrested and jailed in Washington for violating the regulation, Oregon authorities took no action, pending court decisions in test cases to be filed following the month-long closed season. The Indians won their treaty rights as a result of those court decisions.

Students vs. City Government.* Two Eugene citizens tried to solve the city's hassle over two barricades blocking East 13th Avenue for a three-block stretch through the University of Oregon campus. They smashed the west barricade.

Meanwhile, both short-term and long-term solutions to the street closure problem were being discussed by the University of Oregon Student Senate and the Eugene City Council.

A student appearing before the city council promised the barricades would go back up every time they were removed.

At the council meeting, Eugene's Mayor proposed a public hearing on the permanent closure of 13th Avenue, provided the barricades be removed. He did not specify who would remove the barriers.

There was a spirited discussion at the meeting with several

*From an *Oregonian* news story, April 28, 1970.

speakers from the audience proposing the city immediately remove the barriers.

A number of students representing a variety of viewpoints, urged various proposals that would result in the street closure. A petition supporting permanent closure and bearing more than 1,300 signatures, collected in five hours from students and faculty, was presented to the council.

Before the council meeting the student senate passed a resolution asking the city to put up city barricades on 13th Avenue until public hearings could be held. The senate said it would take

responsibility for removing the present barricades and cleaning up the streets.

Permanent closure of 13th Avenue is now a fact. However, it had long been an issue in Eugene. The Mayor recalled that as a student 30 years before he had made a similar proposal before the Eugene City Council.

A councilman pointed out that eight years before, the council and the university agreed to close the route, but met with "no cooperation from the University of Oregon and the State Board of Higher Education."

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A GOVERNOR VS. A PRESIDENT*

"Sylvester Pennoyer, Democrat-Populist Governor of Oregon from 1887 to 1895, was personally amiable, generous, witty, politically waspish. His administration policies upset all those who stood anywhere right of the political or social center. He had been publisher of a daily newspaper, the *Oregon Herald* (Dem.) in Portland in the late 1860s and reporters found the governor good copy. . . .

"Election as Governor in 1886, was credited to his strong stand against Chinese labor and to a popular personality . . . Pennoyer recommended compulsory arbitration of labor disputes, in those days of union weakness . . . questioned the authority of the State Supreme Court to nullify a legislative enactment . . . advocated taxation of all incomes above \$1,000 on a graduated scale . . . opposed support of higher education as 'a tax on all the people for the benefit of the few.'

"This Governor's clashes with President Cleveland are classic. When the President urged him to uphold order firmly in Oregon during the American Railway Union strike of 1894, offering him the use of federal troops, Pennoyer's reply declared that 'if the President will attend to his business I will attend to mine.' One year he set Thanksgiving Day in Oregon a week later than the day proclaimed by Cleveland."



*Excerpts from an article entitled, "Sylvester Pennoyer: He Clashed With A President," by George S. Turnbull, Special Writer, which appeared in *The Oregonian* on February 8, 1959.

lines of inquiry

The process of legislating affords many opportunities for citizen involvement, but these are not fully appreciated if the legislature as an institution is the sole focus of study. Only if the legislature function is viewed in movement, as process, do the critical points for effective input become apparent.

Once the critical points are known, students must have realistic illustrations to draw upon. Case studies of the history of individual bills are effective and can be provided first-hand from legislators, lobbyists, and others directly involved, or from magazine and newspaper accounts.

action ideas

Comparing Qualifications. Have students find out the vocational and educational backgrounds of their state legislators (*Voters' Pamphlet*) and the salary of legislators. Then they might compare the makeup of Oregon's legislature to that of another state. What conclusions can be drawn?

Resources

Oregon's Legislative Future, 1968: Report to the Fifty-fifth Legislative Assembly, Oregon Advisory Committee on the Oregon Legislature, Salem, Oregon, 1968.

State Legislature. Film: 18 minutes, color, grades 4-14. How a law is passed. *\$6.50. Also available from Academy Films, Inc., 748 N. Seward Street, Hollywood, California 90038.

State Legislatures in American Politics. Alexander Heard, Ed., Spectrum Books, Prentice-Hall, Englewood Cliffs, New Jersey, 1966. \$1.95 (paperback).

A Handbook on the Oregon Legislature. Oregon Legislative Counsel Committee. A forty-page booklet with a chart on passage of a bill. Legislative Council, 410 State Capitol, Salem, Oregon 97310. \$1.

Man in the Middle: The State Legislator. Film: 54 minutes, black and white, grades 10-adult. Sophisticated look at pressures on today's state lawmakers. *\$9. Also available from McGraw-Hill Films, 530 W. 42nd Street, New York, N.Y. 10036.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

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legislation

Legislation, at both the state and local level, is the most visible and effective means for accomplishing change in or through government.

Almost fifty years ago, a legislator of twenty years experience published a booklet describing the Oregon Legislative Assembly as it operated then, and much of what he discussed then is still applicable today. He wrote that perhaps the least satisfactory research on the state legislative process has been done in the field of political control and leadership. "Extensive studies of the form, structure, personnel, organization, and procedure of legislatures (see page 306) are but half the story if this most human phase is neglected."

1970 STUDY OF STATE LEGISLATURES*

Washington-California rated first and Alabama last in a \$200,000 private study of how well the 50 state legislatures are organized, staffed and paid to do their job.

The study, financed by the Citizens Conference on State Legislatures, was made public amid widespread debate in Washington over President Nixon's proposal to pay out \$5 billion in federal revenues to the state and local government with few strings attached.

*An *Oregonian* news story, February 14, 1971.

as a change mechanism

"The real crunch is going to be whether state governments can handle the responsibility," said Charles Davis, a conference trustee and head of the state legislative leaders conference. "There is a lot of unevenness."

But Davis took issue with contentions that state legislatures are necessarily less fit to allocate public funds than Congress and the federal bureaucracy.

Larry Margolis, executive director of the citizens conference, emphasized that the 14-month study—and the resultant rankings of the states—did not measure the "quality" of the legislative output, or the fitness of individual legislators.

Bodies Rated. "Quality," he said, "cannot be judged by objective standards."

Instead, he said, the study sought to measure what was measurable and to provide citizens groups with a basis for reforms in each state. A full-fledged "technical report" will be published in March.

The state legislatures were rated in five major categories:

(1) "Ability To Function"—whether it holds unrestricted annual sessions or meets only for 90 days; whether its size is unwieldy, or manageable; whether individual members have staff or not. Legislators' salaries (ranging from \$19,000 in California to \$200 per session in New Hampshire)—"The clearest practical indicator of how highly the legislative function is regarded in a given state."

(2) "Accountability" to the public—whether legislators are elected on a "optimum" one-man per district basis, or whether there are multi-member district; whether internal committee and bills rules are clear and published; whether lobbyists are registered and the legislative process is open to press and public.

(3) "Independence" of the executive branch and of lobbyists, together with safeguards against

conflict of interest; 33 of 50 state legislatures lack power to call a special session on their own; in two states legislatures have no recourse from a governor's "pocket veto."

(4) "Information"—only a few legislatures have subpoena powers for their committees; in some states no amendments to bills are published.

(5) "Representativity"—this criterion involved "who is allowed to run?" and "who was financially able to run?" the diversity of legislative membership, pay, and the powers of rank-and-file membership.

The over-all rankings follow in order:

California	Tennessee
New York	Oregon
Illinois	Colorado
Florida	Massachusetts
Wisconsin	Maine
Iowa	Kentucky
Hawaii	New Jersey
Michigan	Louisiana
Nebraska	Virginia
Minnesota	Missouri
New Mexico	Rhode Island
Alaska	Vermont
Nevada	Texas
Oklahoma	New Hampshire
Utah	Indiana
Ohio	Montana
South Dakota	Mississippi
Idaho	Arizona
Washington	South Carolina
Maryland	Georgia
Pennsylvania	Arkansas
North Dakota	North Carolina
Kansas	Delaware
Connecticut	Wyoming
West Virginia	Alabama

"Politics has been defined as the motive force which propels governmental machinery. A mere inspection of the machine as it stands idle gives a very poor impression of it in motion."*

*Childs, Charles. *The Oregon Legislature*. Metropolitan Press, Portland, Oregon, 1937.

lines of inquiry

It is important for students to be aware that Oregon's legislature has a very strong committee system, arising from the fact that amendments from the floor require unanimous consent, which is rarely given.

It might be interesting to contrast the effectiveness of this system with the effectiveness of a system like Washington's, in which amendments from the floor are frequently adopted.

action ideas

Government Simulation Game. Play *Game of Democracy* created by James S. Coleman (see resources). Through this game-type activity it is possible to gain knowledge of the operating procedure of the legislative process and the pressures brought to bear on a legislator. For further information see the leader's handbook published with the game. Game I should be played at least twice before Game II is undertaken. Games II and III are more complex and simulate town government rather than state or national government. Games I and IV simulate a state or national situation. Games II and III simulate community action.

Teachers will need to modify and adapt games to the needs of particular groups of students and it is extremely important to conduct follow-up discussions that help students analyze what happened—what they did.

Examining Legislator's Qualifications. Students might decide who the most important people in the legislature are (Speaker of House, President of Senate, minority leaders, etc.), look up their names, and write to their local newspapers and find out exactly what qualifications they have for these positions. Then they can discuss and draw conclusions about the selection procedures within the legislature. Invite a legislator to discuss their findings with him.

Resources

Coleman, James S. *Game of Democracy*. Academic Games Associates, Western Publishing Company, School and Library Department, 850 Third Avenue, New York, N.Y. 10022.

Legislative Process. Film: 28 minutes, black and white, grades 7-14. Outlines processes of the two houses in committee and general sessions. *\$5. Also available from Indiana University, Audio-Visual Center, Field Services Department, Bloomington, Indiana.

Speaker of the House. Film: 21 minutes, color, grades 7-14. Follows the speaker through a typical legislative day. *\$6.50. Also available from Gilbert Altschul Productions, Inc., 909 W. Diversay Parkway, Chicago, Illinois 60614.

Lawmaking Process. Film: 28 minutes, black and white, grades 7-14. House Bill 1074 is followed through the legislative process. *\$2.25.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

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THE LEGISLATIVE PROCESS

Charts on the following pages provide an overview of the legislative process in Oregon and identify the points at which interested citizens can become involved in influencing the course of decision making.

Introducing a Bill. Theoretically, anyone can get a bill introduced into the legislative process. "There is nothing in the law that requires a member to introduce a bill for anyone, but there is usually little or no trouble in getting some member of the legislature to do it. A Senator or Representative can hardly refuse to introduce bills for his constituents. If he is not in sympathy with the provisions of the bill and does not endorse it, he may introduce it by request, in which case he has little or nothing to do with the bill after introducing it. Its real sponsors lobby it through to final passage if possible. A great many bills thus introduced are of no vital importance to the public. They are bills representing the hobbies and sometimes comical ideas of individuals or groups of individuals and nothing more."*

As a general rule, bills are conceived and drafted by special interest groups, government agencies, or legislators themselves. The Legislative Counsel, on behalf of the statutory Legislative Counsel Committee, prepares, or assists in the preparation, of most bills (a highly technical process) and maintains offices and staff in

**Ibid.*

the Capitol on a year-round basis. Requests to the Legislative Counsel for assistance in the preparation of a bill must come from legislators, state agencies, or proponents of an initiative measure. The Attorney General's office also prepares bills, but primarily for state agencies. The Oregon State Bar also maintains offices and drafts bills for legislators.

The thirty-sixth calendar day of the session is the deadline for introduction of bills unless a later date is approved by the rules committee of the house in which the bill is to be introduced.*

The Committee Process. The President of the Senate and Speaker of the House have full charge of the machinery of legislation in their respective houses and the desk clerks and other elective and appointive officers work under their direction. However, it is their authority to appoint standing committees and refer bills to these committees that gives them their real power to influence the course of Oregon law-making. In this respect, Oregon's legislative process is considerably different from that of Congress.

In Congress, committee appointments are totally dependent on seniority. In the state legislature, committee chairmanships are totally dependent on the choice of the presiding officers.

Because Oregon's Speaker of the House and President of the Senate appoint the members and chairmen of the committees in their respective houses, they can predict with some accuracy the type of action that will be taken on bills assigned to each. Newsmen and legislators often refer to the fact, for example, that in most sessions at least one committee in each house is chosen as the "burial ground" where the President and the Speaker can refer bills they do not want passed.

A committee may take one of three basic actions with regard to a bill referred to it.

- (1) It may report the bill back to the floor, usually with amendments.
- (2) It may hold the bill but substitute and report out another similar bill.
- (3) It may hold the bill without taking any action.

In instances where no action is taken, a bill may be removed from a committee by an affirmative

*However, by rule, priorities of three per member may be introduced at a later time.

vote of members of the body, but this is very rare.

A committee may report a bill to the floor in several ways. It may do so with:

- (1) A favorable report without amendment, or with amendment
- (2) An adverse report
- (3) Majority and minority reports
- (4) A report "without recommendation"

The committees of any state legislature, or the Congress, exercise great power because of their authority to recommend amendments, or to pigeonhole bills that come before them for consideration. Committee chairmen also hold considerable strategic advantage in that they can ordinarily prevent committee action, even though they may not be able to control the committee affirmatively.*

Committee hearings on measures under consideration are the second point at which interested individuals or groups can become involved in the legislative process by testifying at these hearings.

The Third House.** It is difficult to define a lobbyist, because any citizen who speaks, writes, or telegraphs to a legislator for or against any pending legislation is, by dictionary definition, a lobbyist. Lobbyists at Salem have run the gamut from ex-governors to grade school boys not yet in their teens. One of the most successful lobbying coups of all times was one in which two page boys lined up the Senate solidly against a bill to ban firecrackers.

Regular lobbyists can be divided into two categories: those who have always represented the same corporation or the same interest and are usually year-round employees of their organizations, and those who lobby for a fee.

One long-time lobbyist set forth three rules for success and longevity in lobbying: know your business, tell the truth, and don't meddle in other lobbyists' business.

Because Oregon has no technical research service for its legislature, many legislators believe it would be impossible to operate effectively without the services of the "third house"—the lobby. It is the business of the lobbyist to be thoroughly informed concerning the technicalities and possible effects of legislation in his field. It is at committee hearings that the good

*Key, V.O. *Politics, Parties and Pressure Groups*. Thomas Y. Crowell Co., New York, N.Y., 1964.

**Excerpts from a series of articles called "The Story of Our Lobbies... The Third House" by Paul Hauser for the *Oregonian*, 1951.

steps in enacting a house bill in

bill introduced
in the HOUSE: *

INTRODUCTION

Typed bill presented to Chief Clerk who sends it to Engrossing & Enrolling section to be checked for form and style. It is then

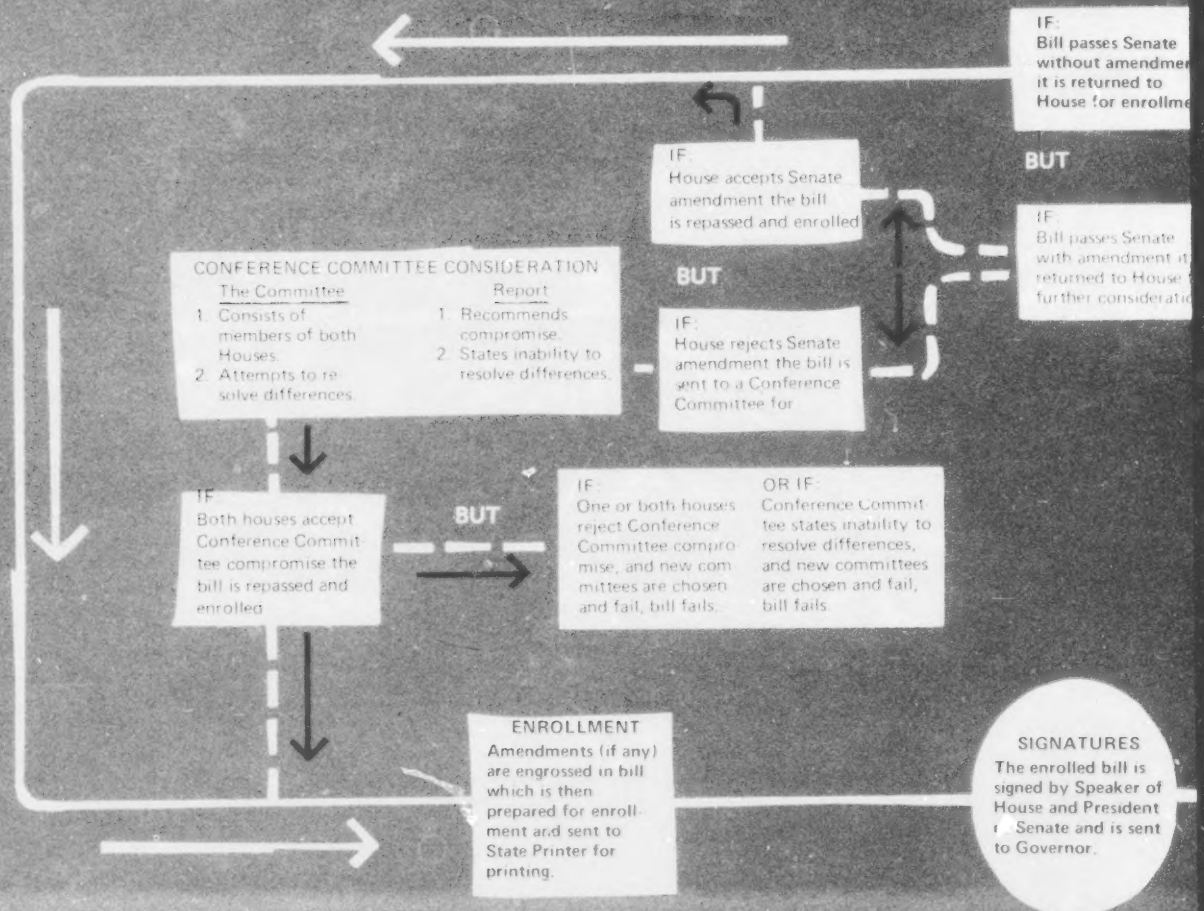
PRINTING

sent to the State Printer for printing. It is then placed on the calendar for

FIRST READING
(title only)
and

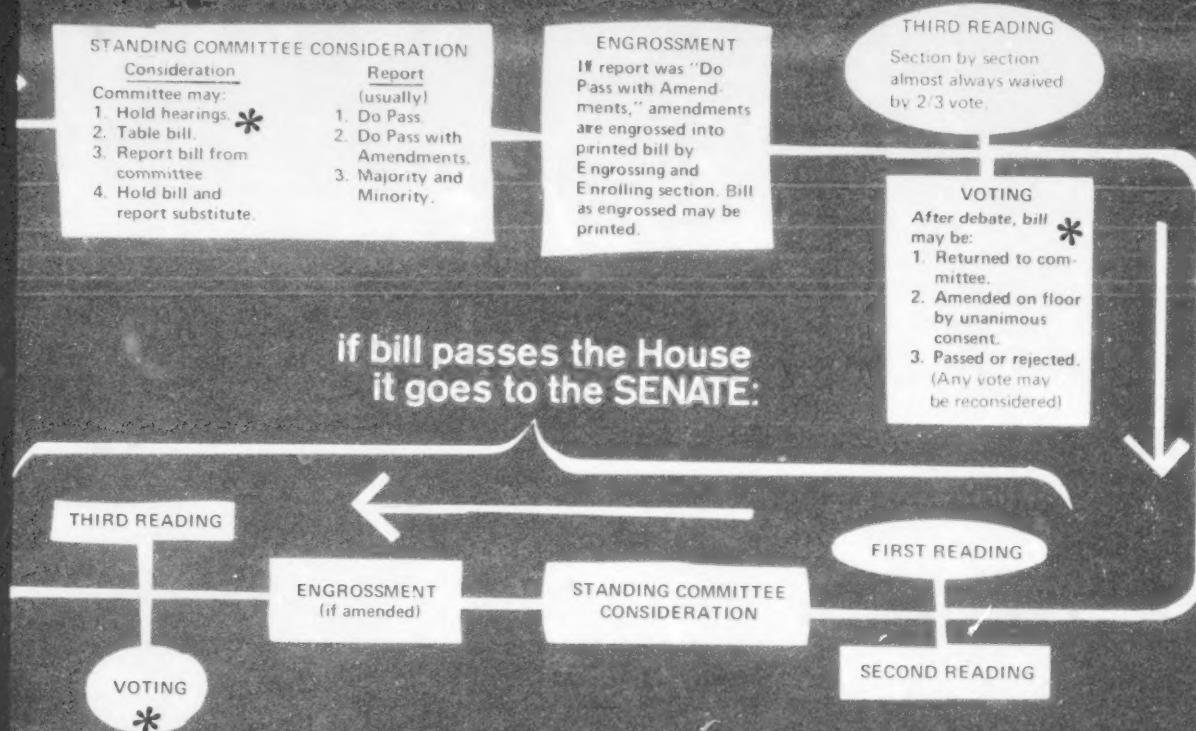
SECOND READING
(title only)
and referred to
a standing
committee for

if bill passes Senate it is
returned to the HOUSE:



*Indicates points at which citizens can become directly involved or exert influence on decision making through letters to legislators.

the oregon legislative assembly



enrolled bill enacted into LAW:

GOVERNOR

Enrolled bill becomes law if:

1. Governor signs.
2. Fails to sign but does not veto.
3. Both houses pass over governor's veto (2/3 vote).
4. Bill is referred to people who approve at election. *

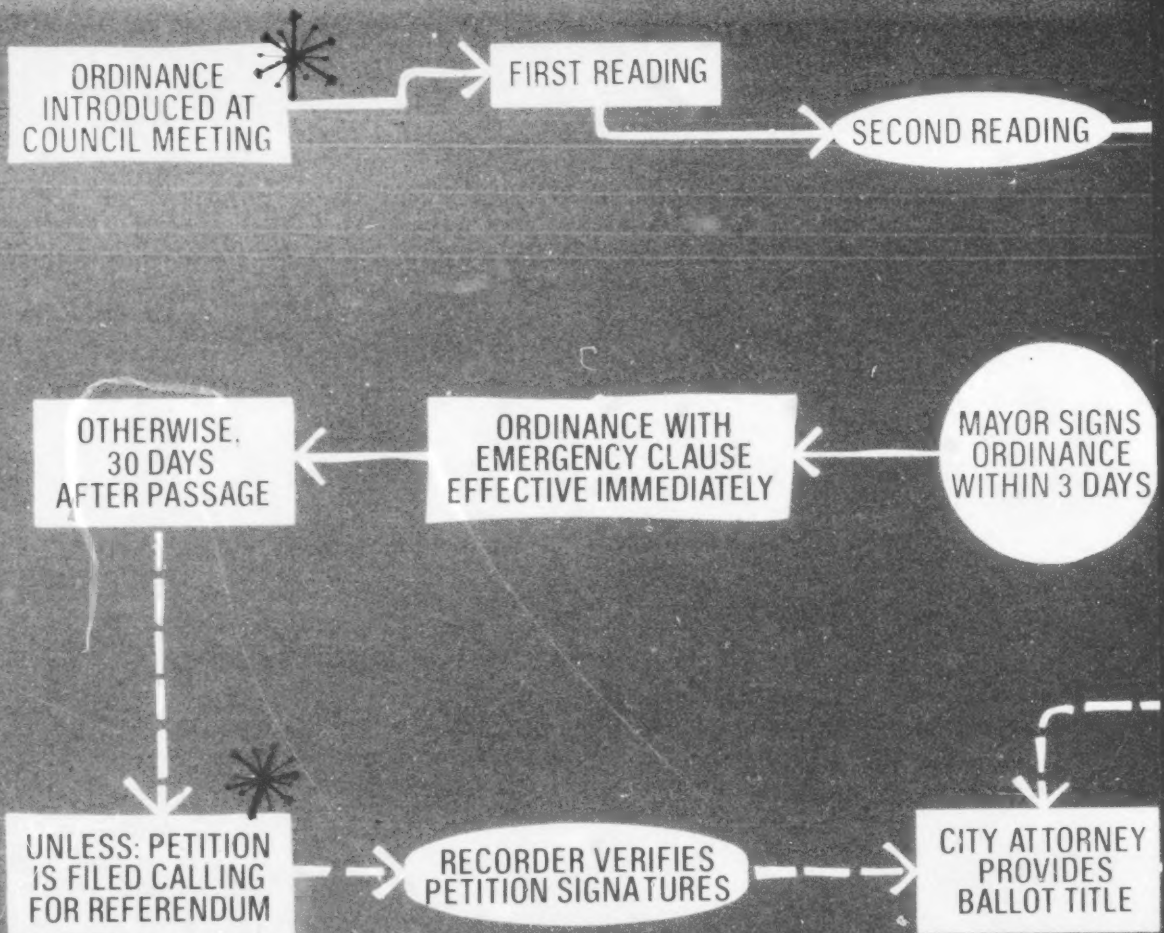
SECRETARY OF STATE

Enrolled Act filed with Secretary of State. It is given a chapter number and included in biennial compilation known as **SESSION LAWS**.

LEGISLATIVE COUNSEL

Enrolled Act is inserted in appropriate place or places in latest edition of **OREGON REVISED STATUTES**.

steps in enacting an



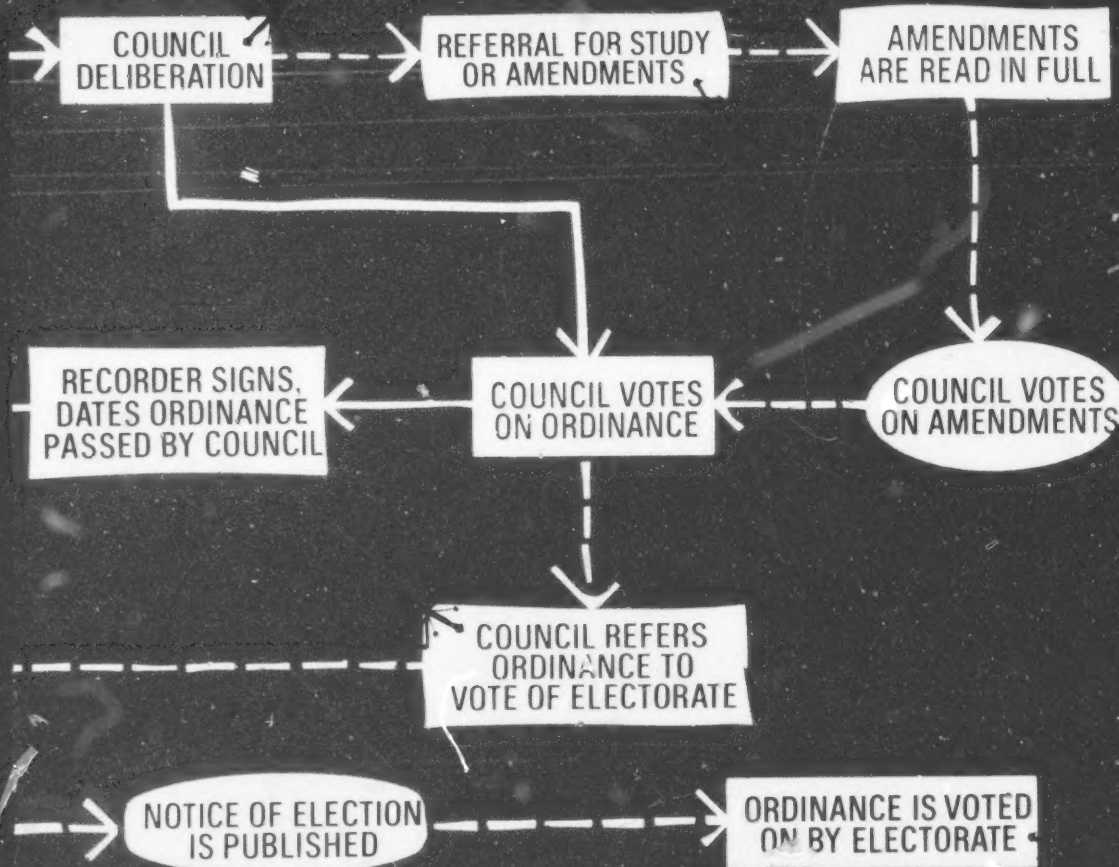
Indicates points at which citizens can become directly involved or exert influence on decision making through letters to councilmen.

An ordinance may be read in full at two separate meetings, read once in full and once by title only and passed at a single meeting with unanimous consent of council members present. Or it may be read by title only (either or both readings) if a week's advance publication is given and copies are available to all council members, or if no council member objects to reading by title only.

Discussion may occur after either reading. Public comment may be invited. Charters and statutes *require* public hearing on some subjects. Advance publication is required for formal hearings.

ordinance in an oregon city

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Referral may be to a standing or ad hoc committee of council members or of citizens; city administrative staff may be instructed to study the ordinance and provide information. In some cases referral occurs before the formal reading of the ordinance. Further council discussion, and possibly a hearing, will follow the committee or staff report.

If a substantial amendment is made, another hearing or discussion may be held before council action on the ordinance.

Any ordinance enacted by the council can be amended or repealed by exercise of the referendum. Initiative and referendum procedures are outlined beginning on page 261.

*Based on the *Model Charter for Oregon Cities*, Bureau of Governmental Research and Service, 1967 revision.

lines of inquiry

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action ideas

Lobbyists in Government. Using a tape recorder, students can develop a special program on the role of the lobbyist. (If there is a lobbyist in your area, ask him to come to class and discuss his role.) Cover such topics as (1) what a lobbyist does, (2) who pays lobbyists, (3) Why lobbyists are necessary in the legislative process, (4) how lobbyists exercise "influence," and (5) how lobbyists are perceived by legislators. Offer this tape to the local radio station for broadcast.

Role Playing. Choose three students to role play this scenario: A state legislator needs information about a bill that would permit a parcel of state-owned timberland to be sold for logging off. The legislator has arranged to meet with two lobbyists, one from the Zippadee-Do Lumber Company, the other from a nationally known conservation club.

Resources

Taft, Charles P. *Lobbying*. The Center for Information on America, Washington, Connecticut 06793. 35 cents.

Political Perspective: Pressure Groups and Issues. Tapes. League of Women Voters, through Orsonic Recording Service, Box 1517, Silver Springs, Maryland 20902. (\$40. for a series of 8 tapes on various phases of political activity.)

Lane, Edgar. *Lobbying and the Law*. University of California Press, Berkeley, California. 1964.

Schriftgiesser, Karl. *The Lobbyists: The Art and Business of Influencing Lawmakers*. Little, Brown and Company, Boston, Massachusetts. 1951.

The Oregon Voter. "Who's Who in the Oregon Legislature," The Oregon Voter, Metropolitan Publications, 206 Graphic Arts Building, 108 NW 9th, Portland, Oregon 97209. \$1.

Herzberg, Donald G., and Chartock, Alan S. *Our State Legislatures: They are at a Crossroads*, Bulletin No. 38. Center for Information on America, Washington, Connecticut 06793. 1969. Single copy, 35 cents.

supporting information

lobbyist is expected to marshal the arguments for or against pending legislation, calling in such expert and oratorical help from his sponsors as he may need. If it is a full dress public hearing, the presentation may be almost a production.

"POLITICS HAS BEEN DEFINED AS THE MOTIVE FORCE WHICH PROPELS GOVERNMENTAL MACHINERY. A MERE INSPECTION OF THE MACHINE AS IT STANDS IDLE GIVES A VERY POOR IMPRESSION OF IT IN MOTION."

Pressures on Legislators. Legislators are bound to give first consideration to the special interests of the people they are elected to represent. However, they do not always vote the way their constituents might expect or want them to vote. They must sometimes give priority to broader concerns which conflict with local interests, and they are also swayed by other considerations, described by President John F. Kennedy in *Profiles in Courage*.

"The first is a form of pressure rarely recognized by the general public. Americans want to be liked—and Senators are no exception. We enjoy the comradeship and approval of our friends and colleagues... and are anxious not to pursue a unique and independent course which would embarrass or irritate the other members.

In addition, "the Senator who

**AN EXEMPLARY LIST OF ORGANIZATIONS
WITH REGISTERED LOBBYISTS IN OREGON**

Agricultural Coop. Council
 American Legion
 Am. Mutual Insurance Alliance
 Association of Engineering Employees
 Association of Motion Picture and Television Producers
 Associated Oregon Industries (6)
 Association of O & C Counties
 Bank of California
 Blue Cross of Oregon
 Brewers Institute of Oregon
 Brotherhood of Locomotive Engineers
 Brotherhood of Railway and Airline Clerks
 Bumble Bee
 C.I.T. Corporation
 City of Portland
 Council for Improved Law Enforcement
 Eastern Oregon Timber Owners
 Edward Hines Lumber Co. (2)
 Farmers Insurance Group (2)
 Fibrex and Shipping Company, Inc.
 General Telephone Company, N.W.
 Georgia-Pacific Corporation
 Harvey Aluminum, Inc.
 Highway 20 and Associates
 Independent Banks
 Joint Council of Teamsters
 Kaiser Foundation Health Plan
 League of Oregon Cities
 Longshoremen (Columbia River and Oregon Coast Ports)
 Motion Picture Association of America
 Multnomah County
 Multnomah Kennel Club
 North Pacific Insurance Companies
 Oregon AFL-CIO (4)
 Oregon AFL-CIO Glass Container Manufacturers Institute, Inc.
 Oregon Association of Chiropractic Physicians (2)
 Oregon Association of Hospitals (2)
 Oregon Automatic Vendors Association
 Oregon Auto Insurance Co.
 Oregon Automobile Dealers Association
 Oregon Association of Insurance Agents
 Oregon Association of Nurserymen
 Oregon Association of Realtors
 Oregon Association of Retirement Services
 Oregon Collectors Association
 Oregon-Columbia Chapter Associated General Contractors
 Oregon-Columbia Chapter National Electrical Contractors Association
 Oregon Construction Industry Council (3)
 Oregon Consumers Finance Association
 Oregon Council of Architects, AIA
 Oregon Council of Outdoor Advertising
 Oregon Dental Association
 Oregon Educational Association (3)
 Oregon Environmental Health Association
 Oregon Fairs Association
 Oregon Farm Bureau Federation (3)

Oregon Feed, Seed, & Suppliers' Association
 Oregon Food Processors' Council
 Oregon Forest Protection Association
 Oregon Gasoline Dealers Association, Inc.
 Oregon Health Care Association
 Oregon Hotel and Motel Association
 Oregon Independent Telephone Association
 Oregon Log Truckers Association
 Oregon Medical Association
 Oregon Motor Hotel Association
 Oregon Mutual Savings Bank (2)
 Oregon Non-Profit Organizations, Inc.
 Oregon Nurses Association
 Oregon Optometric Association
 Oregon Periodical District Association
 Oregon Physicians' Service
 Oregon Placement Association
 Oregon Private Schools Association
 Oregon Railroad Association (3)
 Oregon Restaurant and Beverage Association
 Oregon Retail Council, Associated Oregon Industries
 Oregon Sanitary Service Institute (2)
 Oregon Savings and Loan League
 Oregon School Boards Association
 Oregon State Fire Fighters Association (2)
 Oregon State Grange
 Oregon State Home Builders Association
 Oregon State Industrial Union Council
 Oregon State Pharmaceutical Association
 Oregon State Sheriff's Association
 Oregon Wheat Growers League
 Pacific N.W. Bell
 Pacific Northwest Hardware & Impl. Association
 Pacific Power and Light Co. (3)
 Petroleum Suppliers
 Police Pension
 Portland Chamber of Commerce
 Portland General Electric Company
 Portland Meadows
 Portland Public Schools
 Pro Bono Publico
 Reynolds Aluminum
 Safeway Stores
 Social Services
 The Sperry and Hutchinson Company
 Standard Insurance
 Transit Employees No. 757
 Traveler's Rites Committee
 United Air Lines (Air Transport Association)
 United Medical Laboratory
 U.S. Bancorp
 U.S. National Bank of Oregon (2)
 United Transportation Union (2)
 Veterans of Foreign Wars
 Weyerhaeuser Company (2)
 Wine Institute
 Woodworkers Western States Regional Council No. 111

This list is not complete. Many voluntary or charitable organizations are also represented, either on a full-time basis or when specific legislation concerns them.

Lobbyists must register with Legislative Counsel and must disclose their interest when contracting a legislator.

lines of inquiry

Involvement in politics will almost surely mean failure, defeat, and frustration at one time or another. It is important for students to confront political failure squarely in terms of who and what is responsible. The basic question is: Did I fail because the system is inherently unresponsive, or because my goal was not shared by enough people? The answer may express degrees of political realism on the one hand, or symptoms of disaffection and alienation on the other.

action ideas

Debate. Work out a cooperative arrangement with the speech teacher to involve speech-social studies students in a debate on the question: "Resolved, that the Oregon Legislative Assembly should, by referendum measures, ask the people of Oregon to repeal the present constitutional provisions for the initiative, referendum, and recall."

Invite interested community people to hear and react to the debate. Train students as judges. In a simulated legislative assembly (see page 252) introduce the bill and see how it fares.

Resources

Jonas, Frank H., Ed. *Politics in the American West*. University of Utah Press, Salt Lake City, Utah, 1969.

Simulation "Plans." Participants are members of an interest group which uses its influence to produce changes in the American society. Project *Simile*. Western Behavioral Sciences Institute, 1150 Siverado, LaJolla, California 92037. Sample set \$3.

Legislative Calendar, Final. This calendar is packed with information about all legislation introduced in the session and traces it through the entire legislative process. Committee on Legislative Administration, Room 8, State Capitol, Salem, Oregon 97310, no charge.

Kennedy, John F. *Profiles in Courage*. Harper and Row, Publishers, New York, N.Y. 1956.

supporting information

follows an independent course of conscience is likely to discover that he has earned the disdain not only of his colleagues in the Senate and his associates in his party, but also of the all-important contributors to his campaign fund. It should not automatically be assumed that this is a wholly selfish motive—although it is not unnatural that those who have chosen politics as their profession should seek to continue their careers—for Senators who go down to defeat in vain defense of a single principle will not be on hand to fight for that or any other principle in the future."

The third and most significant source of pressures is the persuasive, and often conflicting, arguments of special interest groups—lobbyists.

The Governor's Veto Power. Another point at which individuals and groups can influence the course of legislation is when it reaches the Governor's desk.

During the legislative session the Governor must sign or veto a bill within five days after he receives it or it becomes law without his signature. If the legislative session comes to an end before this five-day period is up on any particular bill, the Governor has 20 days from adjournment of the legislature to sign or veto it, and if he does neither, the bill becomes law.

When the Governor signs a bill he sends a notice to this effect to the chamber of origin

if the Legislative Assembly is still in session.

The Governor vetoes a bill by returning it to the chamber of origin, together with an explanation of his veto. If the legislative session is over, he files the vetoed bill and his veto message with the Secretary of State, who presents both to the next session of the legislature. The chamber to which the bill is returned may lay the vetoed bill and veto message on the table, refer it to committee, or attempt to pass the bill over the veto. To pass a bill over the Governor's veto requires a two-thirds vote of the members present in each chamber.

Except in the case of single items in appropriation bills and emergency clauses in "new bills," the Governor may not veto less than the whole bill if he disapproves any part of it. The Governor may not veto an act referred by the legislature for a vote of the people.

Referral for Vote of People. This is the final point at which individuals or groups can influence the course of proposed legislation.

An act, which does not contain an emergency clause, passed by the legislature and approved by the Governor or becoming law without his approval may be referred for a vote of the people by one of two means. One is the inclusion of a referral clause in the act by the legislature itself. The other is the filing with the Secretary of State of a petition requesting such referral. The petition must be signed by a number of qualified voters equal to four percent of the votes cast for the office of Governor at the last election, and submitted within 90 days after adjournment of the legislative session. A referred act will be voted upon in November of the even-numbered year following passage unless the legislature orders a special election for the purpose.

Effective Dates of Acts. In the absence of a special provision, an act which is not referred will take effect on the ninety-first day following the end of the session. If the act contains an emergency clause, it takes effect when signed by the Governor unless a specific date prior to 90 days after the end of the session is included in the emergency clause. The effective date of an act may be a time after the normal 90-day effective date if there is a special provision to this effect. Referred acts are effective 30 days after the date they are approved by the people.

DIRECT LEGISLATION: THE CULMINATION OF SELF-GOVERNMENT

"Direct legislation is the culmination of democracy or self-government, and 'democracy,' as Charles Borgeaud has said, 'is more than a form of government; it is a state of society toward which all contemporary nations are tending by a seemingly inevitable law of evolution.' . . .

"The origins of direct legislation are veiled in the mists of antiquity. On the one side they reach back to the ancient Greek and Latin civic assemblies of free men; on the other to the Teutonic Landsgemeinden, still surviving in the mountain cantons of Switzerland and revived in the New England town meeting . . . However . . .

"One of the first great registrations of this democratic movement was in 1869 when the canton of Zurich adopted a new constitution by which the Grand Council of that state ceased to possess legislative powers. It could frame laws, but could not pass them. This is the obligatory referendum, that all laws passed by the law-making body shall be sent to the vote of the people for acceptance or rejection . . . The other cantons and the federal government followed the lead of Zurich until now direct legislation is imbedded in the federal constitution and in all of the cantonal constitutions—save that of reactionary Freiburg . . .

"But next to Switzerland, the movement has made the most progress in the republic of the New World."*

Many scholars and reporters visited Switzerland to study the system and write reports for American newspapers and magazines.

Trade unions began to use direct legislation, and in 1891 ten of the largest national and international unions were using it. From 1892 it was the only political demand of the American Federation of Labor until 1894, when others were added.

History of Oregon's Initiative and Referendum.**

Oregon was one of the first states to adopt direct legislation. Passage of initiative and referendum laws in Oregon grew out of the Populist movement. (See box.) Adopted in 1902, "they opened the door to all the great features of the 'Oregon System.' They virtually revolutionized Oregon government and politics, destroying

*From an article by Eltweed Pomeroy, Editor of the *Direct Legislation Record*, written for *The Arena*, June 1896.

**Jonas, Frank H., Ed. *Politics in the American West*. University of Utah Press, Salt Lake City, Utah, 1969.

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almost at a stroke the 'strong party system,' reducing immensely both their own power and that of the moneyed interests allied with them, raising new interest groups (like the Grange) to positions of great strength, and opening up a new non-party political arena that became for a while virtually the center ring in the Oregon political circus.

"Throughout the heyday of the initiative and referendum, the general elections of 1910, 1912, and 1914, 98 measures appeared on the ballots. During the first two decades after 1903, the people were faced with an average of 20 measures per biennium; in the last 40 years the average has been only about 12 or 13.

"Direct legislation brought about major political reforms:

- The direct primary
- The presidential primary
- The Corrupt Practices Law
- Municipal home rule
- Legislative and judicial reorganization

"The platforms adopted by organizations like the Grange and the Farmers Alliance, with wide but close-knit membership, were likely to be of much more importance to the state's political course than were positions taken by the parties; and a unique body called the 'People's Power League' (led by the redoubtable William S. U'Ren, who had 'fathered' the initiative and referendum) provided for over a decade a leadership in the 'popular branch of the

legislature' more influential than that of either party.

"Until his death, U'Ren insisted that direct legislation and other political reforms he espoused were designed entirely as 'tools of the mechanic' for the accomplishment of economic and social legislation; the single tax, the reform he most wanted, he was never able to bring about.

"The People's Power League developed from a circular letter sent out on September 6, 1906, to some 1,000 representative citizens of Oregon to 'get their opinion of the wisdom of submitting certain amendments to popular vote.' The letter was signed by seventeen Oregon political leaders, headed by Thomas A. McBride, shortly to be Chief Justice of the Oregon Supreme Court, and requested replies be sent to U'Ren. Leaders of the organization included most of the group that had led the Direct Primary League, which had spearheaded the movement which won the primary in 1904, and before that of the old Non-Partisan Direct Legislation League.

"In the election of 1906, the PPL offered five measures—the extension of direct legislation to local units, municipal home rule, the requirement of a popular vote for the calling of constitutional conventions, statutory regulation of the office of State Printer (long a hotbed of graft), and provisions to prevent the use of free railroad passes for corrupt purposes—all of which passed comfortably.

"Four more PPL measures, including proportional representation authorization and a long corrupt practices act, passed in 1908. After 1910, the PPL offerings began to include proposals for increasingly drastic 'radical' reforms; its four measures in 1910 included not only the presidential primary, which passed, but also a confusing judicial reorganization amendment (which passed), an amendment for complete reorganization of the legislature, with a proportional representation (which failed), and an amendment to establish a 'Board of People's Inspectors' to publish findings in an *Official Gazette* (which failed).

"The 1912 PPL program included the 'U'Ren Constitution,' completely reorganizing the whole state government, abolishing the Senate, etc., which was roundly defeated. In 1914, a PPL measure for thorough legislative reorganiza-

tion, with proportional representation, failed again, along with 24 more of the 29 measures on the ballot. It was of this election that the *Oregonian* editorialized: 'It is Oregon's message to the world that the disastrous U'Ren epoch is passed.' (November 5, 1914, p. 10.) After 1916 the PPL's influence and activities declined."



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U'REN AND THE POPULIST UPRISING*

The quest for social justice for all Americans, a quest that stems so greatly from the Populist uprising, was a constant thing in the first decade of the new century. Robert La Follette of Wisconsin supplanted Bryan as the standard bearer of protest and this he did very well indeed, and with the finest of dramatics, for Old Bob was as good an actor as either Roosevelt or Bryan. Coincident with those three men was another, a man who had... absolutely no sense of publicity, yet whose influence has been as great as, or greater than that of Bryan or Roosevelt or La Follette. William S. U'Ren... director of the great days of Populism, Single Tax, and other fermentations, is the man; and he has seldom got into any book of wider scope than a monograph.

Born in Wisconsin, U'Ren worked on farms there and in the Far West, studied law in Denver, and went to Oregon to practice. His reading included Henry George's *Progress and Poverty*, and this book merely gave impetus to the ideas of social protest and reform that already were motivating the young attorney. He quickly became the most powerful political figure in Oregon, though he did not care for office and was uncommonly shy for a reformer. Persuasive, a quick thinker, and a strategist with few peers, this slight, soft-spoken little man was unquestionably the driving genius which gave Oregon the Australian ballot, the registration law, the initiative and referendum, the direct primary, the Corrupt Practices Act, and the recall. Most of these reforms, now so prevalent that they are generally accepted nearly everywhere in the United States as part of the scenery, were original in Oregon, and were chiefly the work of U'Ren, the man who wanted the single tax most of all but was realistic enough to work for such reforms as he thought were possible of acceptance. But he seldom got his name in the papers, and if it did appear there, it was none of his work.

Still active in 1945, in his eighties, Mr. U'Ren, bright-eyed, silver-haired, straight as hickory, and very keen, is one of the wholly unknown historical figures who had tremendous influence on his time.

* © Holbrook, Stewart H., *The Lost Men of American History*, The MacMillan Company, New York, N.Y., 1946.

lines of inquiry

action ideas

Ask your school or county librarian to locate a record of the vote on all initiative and referendum measures since 1902. Students can analyze the information to determine what percentage of the measures passed, what kinds of measures predominated during what periods of our history, etc. Some interesting insights into the history and character of Oregon politics can be gained.

Comparing Headlines and Ballot Titles. Students can get some idea of the reason so much importance is attached to the wording of ballot titles by studying how well newspaper headlines convey the main ideas in news stories.

Collect a set of newspapers for the class (different dates and different papers are needed). Have students look only at the headlines on the front pages and write what they think each story is about. Then they can read the stories to decide whether the headline has been misleading. Tabulate the results and find what percentage were misleading and what percentage were justified. Ask students to draw conclusions from the data.

supporting information

INITIATIVE AND REFERENDUM PROCEDURES IN OREGON

The procedure for exercising the initiative commonly involves the following steps:

- (1) Preparation and filing of a preliminary petition
- (2) Preparation by the Attorney General, district attorney, or city attorney of a ballot title for the measure
- (3) Circulation of the petition for signatures
- (4) Filing the signed petition with the Secretary of State, county clerk, or city auditor or recorder
- (5) Checking of the signatures for authenticity
- (6) Placing the measure on the ballot if the petition bears the requisite number of authentic signatures.

In instances where the legislature, a city council, or board of county commissioners initiates submission of a measure to the voters, the referendum procedure commonly involves the following steps:

- (1) Ordering submission of the measure at an election on a specified date
- (2) Preparation of a ballot title for the measure
- (3) Submission of the measure at the election.

Filing the Preliminary Petition. As a precaution against incorrectly filing a preliminary petition, it is suggested the petition sponsors write the Elections Division, Secretary of State's Office or call in person. This office can supply

the legal details about filing and circulating a petition.

One person or more may take the first steps to prepare an initiative or referendum petition. These are the "sponsors." The sponsors must file their preliminary petition with the Secretary of State for state measures. Filing petitions for city or county measures is described later. A preliminary petition contains the following:

- (1) A cover sheet with:
 - (a) The date of the election
 - (b) The names of the sponsors, their residence address and precinct numbers
 - (c) A signed and notarized sponsor's affidavit
- (2) A supplement naming three chief petitioners and their mailing addresses.
- (3) The attached full text of the referred act, proposed law, or constitutional amendment.
- (4) Copies in triplicate.

Ballot Title. Upon receiving the filing, the Secretary of State transmits two copies to the Attorney General. Within five days after receiving the petition, the Attorney General prepares a ballot title. The ballot title consists of a caption, not exceeding six words, by which the measure is known, and a statement of purpose, not exceeding 75 words in length.

A person dissatisfied with the ballot title may petition the Supreme Court for a different title. This petition must be filed within 20 days after the title has been delivered to the Secretary of State.

Form of the Petition. If there has been no appeal, the sponsors may circulate the petition after the 20-day appeal period. Before circulating, the format must be approved by the Secretary of State. A petition must contain the following parts:

- (1) A cover page.
 - (a) The cover page shall include directions to the signers and circulators.
 - (b) The name(s) and address(es) of the sponsor(s) of the petition.
 - (c) The names of not more than three chief petitioners and their mailing addresses.
 - (d) The ballot title and statement of purpose.
 - (e) The complete text of the act or measure. If the measure is lengthy, use the back of the

cover page and extra sheets.

- (2) One or more signature sheets. The signature sheets must be in the same form as those shown in the exhibit.

- (3) The type and size of paper is specified by the Secretary of State. The paper for the cover and the signature sheets must be durable to withstand the rough handling of circulation and verification.

Circulation of Petitions. Petition sponsors should instruct circulators about "do's and don'ts." Following are important rules:

- (1) Any registered elector who is eligible to vote for a measure may sign a referendum or initiative petition.

- (2) All persons signing a single signature sheet must be residents of the same county. Signature sheets containing signatures of persons from several counties will not be verified.

- (3) A person shall not:

- (a) Sign his name more than once for the same measure for a given election.
- (b) Sign a name other than his own.

- (4) A circulator of a petition shall not:

- (a) Misrepresent the purpose, contents, or effect of any measure being petitioned.
- (b) Give, pay, or receive any money or other valuable consideration for securing signatures of electors.

Verification of Petition Signatures. A circulator must sign a notarized affidavit at the bottom of each signature sheet before offering it for verification. In the affidavit the circulator states that each person signed the signature sheet in the circulator's presence and the circulator believes each signer stated his correct address and is a registered elector.

After circulation and signing of the affidavit, the signatures are presented for verification to the county clerk of the county in which the signatures were obtained. Certification by the county clerk consists of:

- (1) Comparing signatures on the sheets with the signatures in the Register of Electors.
- (2) Certifying the number of valid signatures at the foot of each sheet.
- (3) Returning the signature sheets to one of the chief petitioners or a designated representative and to no other person.

lines of inquiry

action ideas

Letters to the Editor. The following project will help students examine the reasons for newspaper editorials and the role they play in influencing opinion. It will also give students practice in expressing opinion in a logical and coherent manner.

(1) Examine editorials dealing with governmental topics. Examples are:

- (a) Passage of a law.
- (b) A legislative hearing.
- (c) Urban transportation problems.
- (d) Need for legislation of some type.
- (e) Suburban water and sewage needs.
- (f) Field burning and pollution of air.

(2) Classify findings under topic headings and see what type of problems create the most reaction.

(3) Divide the class into groups.

- (a) One-half of the groups will write editorials on topics of their own choice.
- (b) The remaining groups will write letters to the editor in reaction to the editorials.
- (c) The group activities will then be reversed and follow the same procedure.

(4) As a class, discuss the strong points and weaknesses of the arguments presented by the groups.

(5) Using letters to the editor in the daily newspaper, tabulate and categorize what you find to be the main concerns of people regarding the issues discussed.

Resources

Price of Freedom. Film: 20 minutes, black and white, high school-adult. Young reporter uses power of the press to warn citizens against police-state type of government. *\$2.25. Also available from National Association of Manufacturers, 277 Park Avenue, Film Bureau, New York, N.Y. 10037.

Overthrow of the Tweed Ring. Film: 27 minutes, black and white, grades 7-adult. You Are There Series. Illustrates power of the press in getting rid of corrupt officials. *\$5. Also available from CBS-TV, 51 West 52nd Street, New York, N.Y. 10019. 1957.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

Petitions for City and County Measures. The above rules governing preliminary petitions, ballot titles, format, circulation, and verification of signatures for initiative and referendum petitions for state measures apply to counties and cities with exceptions:

(1) Counties (see also page 343.)

(a) The county clerk is substituted for the Secretary of State.

(b) The district attorney is substituted for the Attorney General.

(c) Circuit court is substituted for State Supreme Court.

(2) Cities

(a) The city clerk, auditor, or recorder is substituted for the Secretary of State.

(b) The city attorney is substituted for the Attorney General.

Number of Signatures Required. The number of signatures required for statewide initiative and referendum petitions is stated in terms of a percentage of the total number of votes cast for all candidates for Governor at the next preceding election in which a Governor was chosen for a four-year term (1968 amendment to Article IV, Section 1):

(1) Referendum petitions for legislative acts require four percent (27,314 in 1970)

(2) Initiative petitions proposing new laws require six percent (40,972 in 1970)

(3) Initiative petitions proposing constitutional amend-

ments require eight percent (54,629 in 1970)

The number of signatures required for initiative and referendum petitions in counties and municipal corporations other than cities is a percentage of the number of all votes cast in the preceding election in the county or municipality for the position of Governor.

- (1) Referendum petitions require four percent.
- (2) Initiative petitions require six percent.

The number of signatures required for initiative and referendum petitions at the city level is determined by the city charter, except that:

- (1) Initiative petitions may not require more than 15 percent of the qualified voters in the city.
- (2) Referendum petitions may not require less than ten percent of the qualified voters in the city.

Filing Completed Petitions. All statewide measures are filed with the Secretary of State, Elections Division, State Capitol, Room 122, Salem, Oregon 97310.

- (1) Referendum petitions for legislative acts must be filed not more than 90 days after the end of the session.
- (2) Initiative petitions for statutory changes or constitutional amendments must be filed not later than four months prior to the election.

Measures for counties and municipal corporations other than cities are filed with the county clerk. They must be filed by the same date and time as state measures.

At the city level, initiative and referendum petitions are filed with the city clerk, auditor, or recorder. Initiative petitions may be filed at any time. Referendum petitions must be filed within 30 days after passage of the measure to be referred.

An initiative petition is received for filing by the city clerk, auditor, or recorder, who in turn submits it to the city council at the next meeting after filing. The city council must ordain or reject the measure within 30 days of the time it was received from the hand of the city clerk. If the council rejects the measure or fails to act, the petition must be submitted to the voters of the city within 90 days from the council meeting at which it was first submitted.

The Campaign and After. Statements explaining a measure, and arguments for and against it, may

be included in state, county, or city voters' pamphlets. Explanations for statewide measures are written by a committee appointed by the Secretary of State. This committee must follow certain regulations spelled out in the law, including a provision that it is obligated to consider suggestions.

There are also specific rules regarding publication of arguments for and against proposed measures, which may be obtained by requesting a *Manual for Initiative and Referendum Sponsors* from the Secretary of State's office.

OREGON'S REGULATION OF CAMPAIGN ETHICS*

A statement of all moneys received and expended in the preparation and circulation of an initiative or referendum petition must be filed with the petition.

In addition, "each committee, association, organization, and aggregate body of individuals organized to aid or promote the success or defeat of a measure or ballot question shall file an itemized statement of contributions and expenditures with the officer who received the completed petitions." Persons expending money or items of value in excess of \$50 must file statements not later than 30 days after the election. Deadline for committee reports is the same date.

Every candidate for delegate to a party national convention or for nomination and election to any office which must be voted for in the state at large, or in a district of one or more counties, must appoint a treasurer to file pre and post-election statements of contributions and expenditures. Such statements must set forth in detail all money contributed, expended, or promised by the candidate or any organizations or individuals working in his behalf, to aid and promote his election. Candidates who receive or spend no money must file a sworn statement to that effect. Those who run for offices to which no salary is attached are not required to file a statement unless contributions or liabilities exceed \$250.

If the statement of a petition committee or a candidate shows a deficit or an unexpended balance, a supplemental statement must be submitted within 30 days from the initial filing and every 60 days thereafter until the statement shows neither a deficit nor an unexpended balance.

*ORS Chapter 260 is very specific and detailed in its requirements. Write to the Elections Division of the Secretary of State's Office if more information is needed.

lines of inquiry

If students are to become responsible citizens, it would seem that one of the most important skills they need to acquire is the ability to read and comprehend a local government budget.

Too few people realize just how important the budgeting process is to popular control of government. If people are to vote wisely, a better method than intuition is needed for determining when and where a budget needs to be cut or expanded.

Students need to know how citizens can get involved in the budgeting process and how local budgets can be constructed so that they are more informative and more responsive to the people.

action ideas

Analyzing Returns. Have students examine the results of a recently held school, city, or county budget election. From precinct maps and returns, they can determine areas or portions of a voting district that either supported or opposed the budget and consider such questions as: What factors might have influenced the results? Were there special controversial items in the budget? How well did these items fare during the budget-making-to-adoption process?

supporting information

budgeting

SETTING GOVERNMENT PRIORITIES THROUGH THE BUDGETING PROCESS

Because all government programs and services require money, the annual or biennial budgeting process determines the real scope and authority of state and local governments (e.g., dog control ordinances have little value unless funds for enforcement are provided).

Oregon laws provide several points in the government budgeting process at which citizens can and should become involved. Therefore, the budget of each governmental unit should serve as a tool by which alert citizens may guide the future decisions of their government officials.

Present Budget Formats a Hindrance. At the state level, each governmental unit develops and submits a proposed operating budget, and, with inflation, population increase, and the genuine desire to render higher quality services, each budget is invariably higher than the preceding one. But at the review stage, substantial changes take place. State budgets are all competing for a relatively fixed sum of money, that which will be available in the General Fund. The budgets are collected and passed through two rigorous, central, comparative screenings. The first is

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Resources

Legislative Calendar, Final. This calendar is packed with information about all legislation introduced in the session. Available from Committee on Legislative Administration, Room 8, Capitol, Salem, Oregon 97310.

as a legislative device

in the Governor's office, and the second is in the Joint Ways and Means Committee of the Legislative Assembly, which has staff of the Legislative Fiscal Office available. There the merits of the needs proclaimed in each budget are weighed against each other, priorities are established, and budgets are correspondingly cut, trimmed, and adjusted until they fit within the revenue expected. (In Oregon budgets must be balanced—income must match expenditures.)

"However, the system is far different on the local level and many Oregon taxpayers and business leaders believe that the controls on local government spending now in operation are inadequate and that new techniques should be explored.*

"Oregon law contains two basic checks in this area:

(1) The Local Budget Law is primarily an informational device. It requires that each local governmental unit publish and hold hearings on a proposed budget for the ensuing year before adopting it.

(2) The six percent limitation in the constitution is a limiting device. If the tax levy resulting from a budget is in excess of the amount the district is permitted to levy under the constitution (see page 112), then the levy must be submitted to the people for approval. However, 75 percent of Oregon's school districts do not have a tax base, so that budgets (outside of bonds and interest), must be approved every year.

"The fact that the six percent limitation operates only on a local government's *tax levy* explains the eagerness with which all local governments search (and compete) for non-property tax revenues.

"The only checks on expenditure of such other revenues are the Local Budget Law procedures. In theory, these are excellent, and the State Department of Revenue enforces them as

vigorously as it can. But in practice they are ineffective.

"As budgets are presently constructed, few citizens have either the time or the technical expertise to go through a budget document and pick out areas where economies might be achieved—where a district is goldplating a program or a service that the taxpayers would be content to have unadorned, or perhaps even do without.

"Under the present system, only administrators can really know this, and all of the pressures on them are in the other direction. For the most part, to be sure, they are sincerely motivated by the conviction that the increased expenditures they recommend are in the interest of the particular 'public' they serve, but empire-building is surely no less common in a government bureau than in the corporate headquarters.

"The total amount of taxes which can be levied at the local level is open-ended, and the collective tax of levies of cities, counties, schools, and special districts are never reviewed against each other by any central authority armed with the power to hold the total levies down to a certain point. Rather, taxpayers interested in economy are expected to review each budget on its own merits. This cannot be expected to produce meaningful economy. Even the six percent limitation is of suspect efficacy—we are all familiar with the 'election' routine, as formal as a ballet, in which local government administrators, in response to a demand from one segment of the community, submit a budget which exceeds the limitation, and which the interested segments of the community vote to approve, *while the rest of the voters, uninterested and uninformed, stay home.

"No one would quarrel with the premise that local government should be allowed to share proportionately in the growth of the economy, but the taxpayer should have a right to insist

*Excerpts from a report to the 1969 Legislative Assembly by Roy Vernstrom, who met with and recorded the opinions of hundreds of Oregon taxpayers during the 1968 campaign to defeat the one and one-half percent limitation proposal.

*The opposite is also true. Segments of the community interested only in holding down their tax levy, will defeat legitimate requests to exceed the limitation "while the rest of the voters, uninterested and uninformed, stay home."

lines of inquiry

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action ideas

Saving Taxpayers' Money. Students might obtain a copy of the budget for any unit of government (state, school district, water district, fire district, agency, etc.), examine it and try to determine how to cut 10 percent of the funds so taxpayers would not have to pay so much money.

They should be able to justify their cuts to those taxpayers who might complain about reduction in services.

Resources

Benson, Charles S. *The Economics of Public Education*. Houghton Mifflin, Boston, Massachusetts. 1961.

The Challenge of Planning-Programming-Budgeting Systems. California Teachers Association, Burlingame, California. 1969.

State and Local Responsibilities for Education. Council of Chief State School Officers, Washington, D.C. 1968.

Fantini, Mario and Weinstein, Gerald. *Making Urban Schools Work*. Holt, Rinehart, and Winston, New York, N.Y. 1968.

General Design for an Education Planning-Programming-Budgeting System. Fels Institute of Local and State Government, University of Pennsylvania, Philadelphia, Pennsylvania. 1968.

Jones, John W., Ed. *Proceedings of the Educational Management Tools Training Program*. Southern Illinois University, Carbondale, Illinois. 1970.

Kirst, Michael W., Ed. *The Politics of Education at the Local, State, and Federal Level*. McCutchan Publishers, Berkeley, California. 1970.

Peck, Robert F. *Personalized Education*. Research and Development Center for Teacher Education, University of Texas, Austin, Texas. 1970.

Miller, Donald R. *An Introduction to Planning-Programming-Budgeting Systems*. Operation Pep, Education Research Center, San Mateo County, 590 Hamilton Street, Redwood City, California 94063. 1969.

supporting information

on more meaningful procedures for justification of expenditures and for separating increases based on genuine need from increases based on less pressing circumstances."

Traditional budget formats have often been criticized for not showing the link between the funds an agency uses and the performance of its missions and tasks. In Oregon, for example, local budgets failed to communicate the real purposes for projected expenditures until 1971, when state law required that proposed expenditures be categorized in two major ways. (See traditional budget summary for school district, page 273.)

(1) By organizational unit or function, for example:

- Police department
- Road department
- Administration
- Instruction

(2) By object of expenditure within each organizational unit or function, for example:

- Personal services (salaries and fringe benefits)
- Materials and services required
- Capital outlay (buildings, furniture)

When money is budgeted in this manner, it is indeed difficult to determine the real purposes for projected expenditures by any department or organizational unit of government. Budget summaries become lists of total amounts to be spent on salaries, buildings, or equipment and supplies, rather than

an indication of what services will be improved, increased, or deleted.

1971 Changes In the Local Budget Law. The 1971 Legislative Assembly changed the Local Budget Law to:

- (1) Permit narrative statements in the budget summary that explain programs
- (2) Require the budget narrative to include:
 - Sources of financing
 - Estimated rate of levy per \$1,000 of assessed value
- (3) Require one, instead of two, publications of budget summaries.
- (4) Authorize appropriation by program for local governments which have adopted program budgets.
- (5) Establish a nine-member Local Budget Advisory Committee, appointed by the Director of the Department of Revenue, to advise him on the Local Budget Law.

These changes will allow districts to use a radical new system of budgeting which will result in much greater voter understanding of the specific purposes for which money will be used. This, in turn, will encourage much more meaningful citizen participation in government decision making.

THE POTENTIAL OF PROGRAM BUDGETING FOR LOCAL GOVERNMENTS

An increasing number of local governments—counties, cities, and school districts—are moving toward a “planning-programming-budgeting system”

For example, the Business and Support Services Division of the State Department of Education has initiated projects in Portland, Corvallis, and Medford to develop models for planning-programming-budgeting-evaluation systems” (PPBES). According to the Management Services Division head, a good PPBES system requires at least five years to develop, but the results should be an annual budget which will give school district voters the following information:

- (1) Goals of the district (what students will learn)
- (2) Objectives of each program, including the priority and cost of each

(3) Operational plans in terms of teachers, equipment, and supplies, etc., for each program proposed

(4) Measurement and evaluation of the accomplishments of each program in terms of stated objectives for students

(5) Revitalization and redirection of resources

BUDGETING PROCEDURES OF LOCAL GOVERNMENTS*

Whether or not local governments use program budgeting, their budgets are financial plans for each ensuing year and as such each budget becomes a tool by which citizens may guide the decisions of local officials. Therefore, the process by which budgets are established has great significance both for government officials involved and the citizens they serve.

Budget Officer. The elected governing body has the responsibility to appoint a budget officer. Some city and county charters specify the budget officer, but in other jurisdictions the individual chosen may be any employee selected by the governing body, except the independent auditor. In cities, it is usually the city manager or administrator who has this responsibility, in counties it is the county clerk, in school districts it is usually the superintendent.

Revenue Estimates. The budget officer makes a historical summary of actual expenditures of preceding years, a budget for the current year, and lists the amounts requested for the following year. He also makes estimates of the amount of revenue his governmental unit expects to receive from nonproperty tax sources during the ensuing year.

Some governmental units instruct the budget officer to present a balanced budget. This necessarily involves the exercise of judgment by the budget officer as to priorities to be given to various programs and competing expenditures. In order to make these judgments, the budget officer must conduct intensive studies of departmental operations and consult at length with department heads and employees. In the larger units, this is a year-round process to which specially trained personnel are frequently assigned. When the budget officer does not have this function (as is usually the case in counties and nonmanager cities), the request submitted is usually that of the department head, and the

*Edited excerpts from *Background Information on Local Government in Oregon*, Bureau of Governmental Research and Service, University of Oregon, Eugene, Oregon, 1967.

lines of inquiry

action ideas

Mock Local Government. Divide your class into groups representing city or county level departments such as Parks and Recreation, Sanitation, Streets, Housing, etc. Have each group draw up a simplified departmental budget for salaries, capital outlay items, and other necessary expenditures. Then establish an arbitrary total budget figure cut representing a 10 to 20 percent reduction. Help students observe what happens to groups as they compete for needed money.

supporting information

work of the budget officer is to insure that the required detail is shown and that the request meets legal requirements. Regardless of the position the budget officer may hold, a need exists for continuous analyses of revenues and expenditures so the budget officer can provide meaningful information for determining and evaluating the requests.

Budgeting by Fund. The budget must contain a projection of anticipated revenues and expenditures by fund. A fund is defined as a sum of money or other resource that is set aside to carry on specific activities or to attain certain objectives. A fund is also a separate, independent fiscal and accounting entity, thereby representing more than a mere bank account. Governmental units will always have a "general fund" plus, usually, one or more special funds.

There are numerous reasons for the development of special funds, including the need to specifically label those revenues that are earmarked by state and local statutes for particular purposes (such as the road fund, and special assessment bond fund). Funds may also be established for administrative and legislative convenience to reflect the revenue source including bond issues for certain functions. For example, parks and recreation may be listed as a special fund. The establishment of funds for various purposes is also a control device, but if too many funds

**TRADITIONAL
BUDGET SUMMARY
GENERAL FUND
(Oregon)**

Budget Current Year	Budget Requirements	Proposed Do Not Publish This Column
89,655	Administration-Salaries and Wages	106,860
11,080	-Other	20,265
2,554,329	Instruction-Salaries and Wages	2,983,141
178,805	-Other	226,290
1,250	Attendance Services-Salaries and Wages	1,400
250	-Other	300
8,865	Health Services-Salaries and Wages	4,900
47,442	-Other	60,513
30,130	Pupil Transportation Services-Salaries and Wages	36,200
231,638	-Other	244,106
135,515	Operation of Plant-Salaries and Wages	141,535
48,187	-Other	50,406
51,375	Maintenance of Plant-Salaries and Wages	53,705
272,950	-Other	389,950
	Fixed Charges	
	Food Services-Salaries and Wages	
	-Other	
34,000	Student Body Activities-Salaries and Wages	40,450
250	-Other	250
11,850	Community Services-Salaries and Wages	12,465
50	-Other	50
1,150	Capital Outlay-Sites	1,680
2,760	-Buildings	4,660
24,220	-Equipment	44,230
	Debt Service-Principal	
	-Interest	
8,245	Payments to Other School Districts	10,003
10,000	Operating Contingency	15,000
7,500	Transfers to Other Funds	16,385
3,761,496	TOTAL ESTIMATED EXPENDITURES	4,474,744
	Unappropriated Balance	
3,751,496	TOTAL BUDGET REQUIREMENTS	4,474,744

**PROGRAM BUDGET SUMMARY
(Pearl River, New York)**

Program Title	1969-70 Budget	1970-71 Budget
INSTRUCTIONAL PROGRAMS		
English, Language Arts, and Reading	\$ 811,547	\$ 942,116
Science, (including health)	393,246	447,945
Mathematics	445,507	455,593
Social Studies	384,932	391,437
Physical Education, Intramurals, and Inter-scholastic Athletics	317,203	303,417
Business	56,229	69,749
Foreign Languages	141,182	154,797
Unified Arts	135,074	126,292
Art	100,658	102,243
Music	135,715	144,067
Special Education	52,628	73,371
Vocational Education	43,130	49,064
Adult Education	14,113	10,413
INSTRUCTIONAL SUPPORT PROGRAMS		
Library	135,032	145,295
Guidance and Psychological Services	158,540	194,753
Health Services	97,369	97,597
Bond Principal and Interest	439,333	516,608
Operation and Maintenance of Plant	553,145	613,087
School Management	351,756	361,374
Central Office Management	343,246	311,121
Transportation	161,394	176,295
School Lunch		
Non-Program	168,899	35,190
COMMUNITY SERVICES PROGRAMS	4,149	7,041
GRAND TOTAL	\$5,444,027	\$5,728,863

Total Budget Increase - \$284,836

are established, financial procedures will become more complicated and less fiscal control may result. Certain funds are required by state law or charter, but beyond that finance specialists indicate that the smallest possible number should be used.

The General Fund of city and county governments receives a great variety of revenues and covers a wider range of activities than do the other funds. The resources of this fund, unlike those of most other funds, may be appropriated and expended to finance the general operations of cities and counties. However, it is not permissible to include interest and sinking funds, bond issues, highway user revenues, and certain trust and agency appropriations in the General Fund. It is also undesirable to include the collections from utilities in the General Fund and frequently restrictions stipulated when bond elections are held require that such collections be segregated.

Through budgetary and accounting control, the General Fund may include all of the major functions of local government except highways and debt service. Most of the smaller local units of government have only a General Fund, a Road and Street Fund, special assessment funds, bond funds, trust and agency funds, and utility funds. For construction, a Capital Projects or Improvement Fund is often used.

The resources of one fund may not normally be used to meet the obligations of another fund because of statutory provisions or contracts and agreements regarding the use of revenue. However, General Fund revenues may be transferred to other funds, and

SAMPLE PROGRAM BUDGET (Pearl River, New York)

INSTRUCTIONAL PROGRAMS

ENGLISH, LANGUAGE ARTS, AND READING PROGRAM

The English, Language Arts, and Reading Program is our No. 1 priority area for 1970-71. We plan to improve reading by:

- *Increasing the time devoted to reading instruction in grades 7 and 8 by reducing the amount of required instructional time in special areas such as industrial arts, homemaking, music, and art.
- *Reorganizing the middle school 8th grade program to allow a full time reading specialist to concentrate on students having basic reading deficiencies.
- *Expanding the middle school developmental reading program at grades 6 and 7 through the addition of a full time reading specialist and the reallocation of existing staff members.
- *Adding teacher aides who will assist elementary school classroom teachers.
- *Adding elementary school reading specialists to work with teachers in improving their teaching skills as well as working with students having remedial reading problems.

We plan to improve our English program by:

- *Increasing the number of English teachers on the high school staff to provide for increasing enrollments.
- *Modifying the English elective program at the 12th grade.

	Number of Staff	1970-71 Budget
CERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	58.9	\$882,520
Classroom Teachers	42.6	
Reading Specialists	14.3	
Speech Therapist	1.0	
English Coordinator	1.0	
NONCERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	5.9	33,929
Teacher aides	5.9	
EQUIPMENT		828
SUPPLIES		13,308
TEXTBOOKS		7,274
CONTRACT SERVICES		4,257
Total		\$942,116

SCIENCE, (Including HEALTH) PROGRAM

The Health portion of the Science Program is our No. 2 priority area for the coming year. This focus will enable us to provide modern health instruction in the critical areas of drug abuse, smoking and alcoholism, and family life education by:

- *Adding one teacher for a state-mandated health program at the 6th grade and changing the 12th grade health program to the 10th grade level.
- *Providing an in-service training course for classroom teachers in the area of health education.

We plan to improve the Science Program by:

- *Expanding the introductory physical science course in the 8th grade.
- *Modifying existing high school schedule to provide for a regents and nonregents program.
- *Adding teaching time to accommodate increasing high school enrollments.

CERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	26.3	\$412,524
Classroom Teachers	25.3	
Science Coordinator	1.0	
NONCERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	0.4	2,012
Teacher Aides	0.4	
EQUIPMENT		5,849
SUPPLIES		16,700
TEXTBOOKS		6,050
CONTRACT SERVICES		4,810
Total		\$447,945

CENTRAL OFFICE MANAGEMENT PROGRAM

We plan to modify the Central Office Management Program by:

- *Reducing central office staff and reallocating it to provide needed administrative support at the middle school.

CERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	4.4	\$116,375
Superintendent of Schools	1.0	
Assistant Superintendent—Instruction	1.0	
Assistant Superintendent—Business	1.0	
Assistant to Superintendent—Personnel	1.0	
Administrative Assistant	0.4	

NOTE: For each program the number of staff is shown on a full time equivalent basis. Elementary teachers have been prorated to programs based on the amount of teaching time spent in each subject area.

NONCERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	Number of Staff	1970-71 Budget
	11.8	\$108,869

District Clerk	0.2
District Treasurer	0.2
Secretarial Assistants	5.0
Senior Typists	1.8
Typists	1.8
Senior Account Clerk	1.0
Account Clerk	0.8
Telephone Operator	1.0

EQUIPMENT		
SUPPLIES		2,400
TEXTBOOKS		10,885
CONTRACT SERVICES—Includes the following items:		
Legal Services	\$ 7,500	
Independent Audit	1,800	
District Meetings	3,500	
Recruitment and Negotiations	17,000	
Office Equipment Leases	11,000	
Data Processing	9,000	
BOCES Administration	7,050	
Consultants	3,000	
Other	12,742	
Total		72,592
		\$311,121

TRANSPORTATION PROGRAM

We plan to maintain the Transportation Programs at existing levels, except to modify this program by:

*Increasing the late activity bus from three days a week to four days a week for students involved in extracurricular activities or after school studies.

NONCERTIFICATED STAFF (Includes substitutes, overtime, and employee benefits)	1.0	\$ 9,935
Bus Driver		
EQUIPMENT		
SUPPLIES		5,000
TEXTBOOKS		600
CONTRACT SERVICES (Includes contract bus services)		160,760
Total		\$176,295

SCHOOL LUNCH PROGRAM

We plan to modify the School Lunch Program by:

*Moving the preparation of elementary lunches to the new kitchen at Franklin Avenue School.

*Increasing the prices of all Type "A" lunches in order to continue the program on a self-supporting basis.

NONPROGRAM

This program has been modified by:

EQUIPMENT	1970-71
SUPPLIES	Budget
TEXTBOOKS (Textbooks for nonpublic school students. This cost is fully reimbursed by New York State)	\$ 2,050
	3,448
CONTRACT SERVICES (Includes \$20,000 for refund on prior year's taxes as a result of changes in assessments.)	5,000
Total	24,692
	\$35,190

These items are shown here because they could not be allocated to programs.

COMMUNITY SERVICES PROGRAMS

NONCERTIFICATED STAFF (Custodial overtime for use of buildings by community groups)	1970-71
	Budget
	\$7,041

lines of inquiry

action ideas

School Budgets. Noting the results of the latest school budget election held in your district, students may try to determine the progression of the proposed school district budget from its beginnings to its final adoption. They can report on how many elections had to be held before the budget was adopted, what items were cut or eliminated from the original proposal, and what items survived either intact or in modified form. Included in the final report should be information on the budget hearing: how many people attended, what issues were prominent, etc.

supporting information

money may be loaned from some funds to others.

Budget Message. The budget message provides elected officials an opportunity to discuss needs, available revenue sources, and anticipated expenditures for the benefit of the community, as well as the budget committee. The budget message often is given widespread publicity through newspapers and other communication media. By law the budget message must:

- (1) Explain the budget document. This explanation may be in as much detail as the budget officer desires, but as a minimum it should explain the budget format.
- (2) Explain the proposed financial policies for the ensuing year and how they are to be implemented.
- (3) Explain all major changes in financial policies and how they have affected the budget.
- (4) Explain major changes in estimated resources and requirements.

Budget Committee. All local governing bodies, with the exception of any unit in Multnomah County having a population of 100,000 or more* are required to appoint a budget committee composed of members of the governing body and a similar number of qualified electors of the governmental unit. The terms of the appointed members of the budget committee are three years with the expiration of one-third each year.

Public Hearings. The budget

*The Multnomah County Tax Conservation and Supervising Commission serves as a budget review committee for local units of government within the county, including the county government. (See page 280.)

**COMMON SCHEDULE FOR
PREPARATION OF BUDGETS BY
MUNICIPAL CORPORATIONS**

School District Schedule	City & County Schedule		March 20	May 29	The governing body: Publishes the summary of the approved budget at least 15, but not more than 25 days, before the hearing.
July 1 (of year preceding budget vote)	April 1	The governing body appoints a budget officer who will prepare or supervise the preparation of the budget document.	April 1	June 5	Publishes a notice of the hearing at least 8 days, but not more than 14 days, before the hearing.
July 1 (of year preceding budget vote)	April 20	The governing body appoints a budget committee composed of the governing body and a like number of freeholders and electors.	April 15	June 15	Holds hearing on the approved budget document. Any person may appear for or against any item in the budget.
January 15	April 24	The budget officer publishes the notice of the meeting of the budget committee to receive the budget message and proposed budget at least eight days prior to the meeting. This advertised meeting is not necessarily the first meeting of the budget committee.	May 1		School districts conduct elections if proposed levy exceeds the six percent limitation. If the voters reject the levy, additional elections may be held until a levy is approved or until the board decides to hold district expenses within the six percent limitation. In either case, it is necessary for the county assessor to extend the deadline (July 15) for certifying the levy.
February 1	May 4	The executive officer or the chairman of the governing body will prepare the budget message.			
February 1	May 4	The budget committee elects a chairman and a secretary at its first meeting.			
February 1	May 4	The budget committee receives the budget message and the budget document, and hears persons who wish to speak on the budget or any part of it. The budget message and budget document may be delivered to the budget committee at a meeting after the first meeting.	June 30	June 19	Adopts the budget after giving consideration to items discussed at the public hearing. Expenditures for each fund may be increased by not more than ten percent, but the tax as shown in the proposed budget or budget summary may not be increased without repeating the process outlined above. If additional resources are determined to be available at this time (such as a beginning fund balance in excess of the estimate), the resources may be increased and the tax levy decreased prior to adoption of the budget and levy of taxes.
February 1	May 4	The budget officer files a copy of the budget document in the office of the governing body.			
March 15	May 4	The budget committee approves or revises the budget document as it was received from the budget officer. If additional meetings are to be held, the chairman announces the time and place of the next meeting. If no additional meetings are to be held, the approved budget document is returned to the governing body.	June 30	June 19	Enacts ordinances or resolutions making appropriations and levying taxes.
			July 15	July 15	Certifies levy to the assessor not later than July 15.

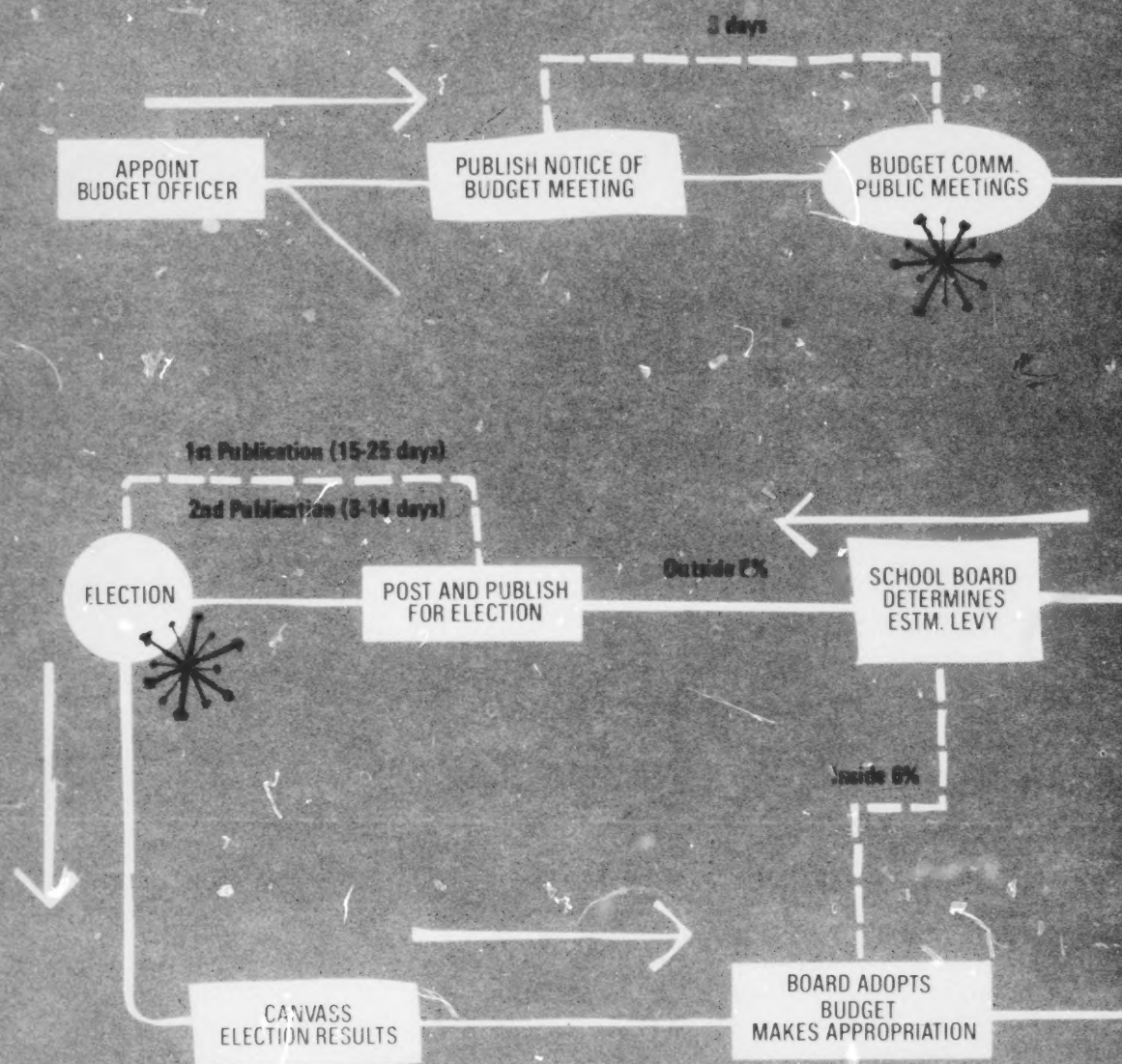
committee selects a chairman and a secretary and, after published notice, the first meeting of the budget committee takes place. At this meeting the committee hears the budget message, receives copies of the document prepared by the budget officer, and hears any person who wishes to speak about budgetary matters. After the budget has been received by the committee, it becomes a matter of public record.

The budget committee may hold as many meetings as deemed necessary, or it may approve the budget at the first meeting. Except in the very small municipal corporations, it generally takes several meetings for the committee members to consider each item and ask

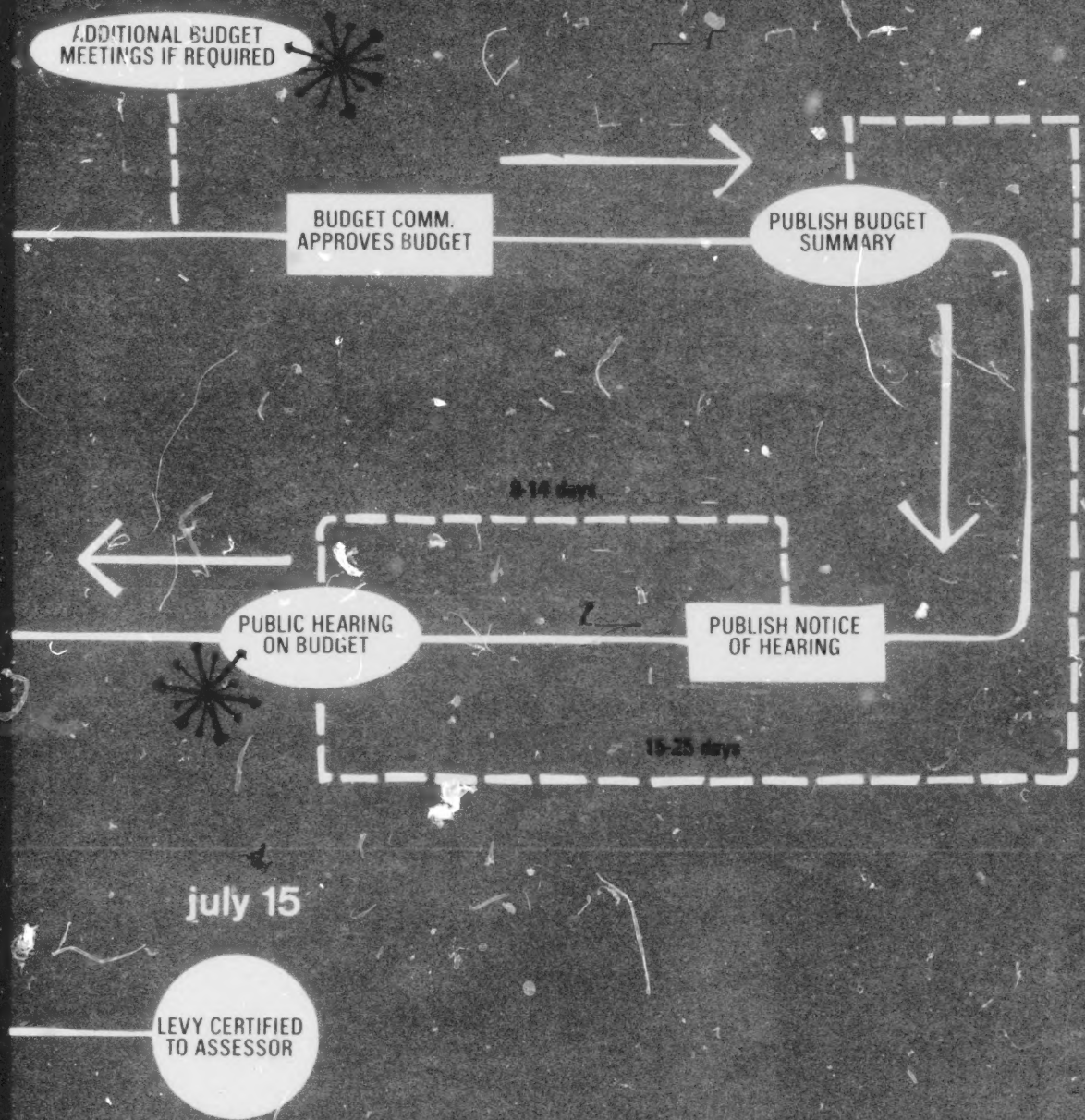
questions of the executive officer and various department heads. All meetings are required to be open to the public, even though not all meetings are required to be public hearings. The committee may, at any meeting, give those persons wishing to discuss relevant matters an opportunity to do so.

When the committee has finished its deliberations and approved the budget, it submits the document to the governing body. The governing body is then required to hold a public hearing, with one notice of the meeting being published in a newspaper of general circulation within the municipal corporation. A summary of the budget, approved by the budget committee, must be published before the meeting showing a

budget planning chart



*Indicates points at which citizens can become directly involved or exert influence on decision making through letters to councilmen or board members.



july 15

lines of
inquiry

action
ideas

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information

comparison with the actual expenditures of the previous two years and the budget for the current year.

The total time involved in budgetary preparation is extensive. A schedule has been suggested by the Department of Revenue, although many units have found it necessary or desirable to vary from this timetable.

Tax Supervising and Conservation Commission of Multnomah County.* This commission supervises the budgeting and taxing activities of approximately eighty municipal corporations in Multnomah County. Its five commissioners are appointed by the Governor for four-year terms and operating expense is allocated throughout the county.

The origins of the commission are rooted in the ideals of scientific management and the Double E movement popularized at the beginning of this century. Created by the Legislative Assembly in 1919, the commission was charged with promoting efficiency and economy in local government through the review of budgets from all municipal corporations having the power to levy a property tax. All recommendations of the commission were of an advisory nature which could be accepted or rejected by local governing bodies. The enabling act established a commission for each county over 100,000 population and provided for the annual publication and

*Edited excerpts from a memorandum by Samuel B. Stewart, former Oregon Revenue Commissioner, dated November 9, 1971.

dissemination of budgetary and taxing information to the citizens of Multnomah County.

In 1921 the commission's powers were greatly expanded. The legislative assembly directed the commission to "carefully consider proposed budgets, approve, reject, or reduce the same or any items therein, or, by unanimous vote of all members of the commission, increase the same." Directives of the commission were final. The Local Budget Law was enacted at the same session. It was the first general act seeking to regulate fiscal activities of all local government units in the state. A new requirement in the law was the publication in a newspaper of municipal budget estimates.

The City of Portland apparently did not regard itself as subject to the commission, with the result that it proceeded to publish budget estimates pursuant to the Local Budget Law. A private citizen brought suit to enjoin the city from incurring the expense of publication. The Oregon Supreme Court held the city was subject to the commission, and enjoined publication.

In doing so, the court specifically rejected the city's argument that the act creating the commission was in violation of the Oregon Constitution's home rule amendment. The commission did exercise this power on several occasions and, on the surface at least, the municipalities acquiesced for the next fifteen years.

In 1936, the City of Portland, by ordinance, increased salaries and reflected this fact in its budget. The commission reduced salaries, among other items, to what they had been prior to enactment of the ordinance, whereupon the city challenged the constitutionality of the 1921 Act. This time the Oregon Supreme Court overruled its former decision and held that the 1921 Act "as applied to cities within Multnomah County, transcends Article XI, Section 2 of the Constitution of Oregon." This section of the Constitution, adopted in 1906, established home rule powers for certain municipal corporations. Continuing, the court held that the Act "insofar as it purports to authorize the commission to reject or reduce items... is an unlawful delegation of legislative authority." Thus, the court eliminated the commission's power to determine local budgets, not only for the City of Portland, but also for all other tax levying entities in the county as well. The 1939

Legislative Assembly repealed the 1921 Act and recreated the commission along the lines of the 1919 Act. Today, the commission, while exercising some supervisory authority, functions chiefly as an advisory and coordinative body in two major areas.

The first concerns the annual review of the budgets of all governmental units within Multnomah County for compliance with the Local Budget Law. Budget items unauthorized by law may be ordered deleted and budget amounts may be reduced within the limits permitted by the law. In this process the commission serves as the budget committee for the largest jurisdictions, conducts public hearings on budgets, tax levies and bonding proposals and coordinates financial planning among the various units. Advisory recommendations commenting on the reasonableness of estimates are submitted to the governing bodies.

The second major function of the commission lies in its power to inquire into the management, accounts and systems employed by local units and, when appropriate, to publicize its findings and recommendations. Joint meetings of levying bodies may be called to discuss financial planning and cooperative ventures. Ancillary services derived from this activity include considerable consultation with local units in budgeting, management and systems.

While the commission has been effective in promoting a degree of efficiency and economy in local government, it is evident that the commission could be a more active and effective force given sufficient funding for a staff which would be commensurate with the growth of local government services and urbanization that has occurred in recent years.

Budget Adoption and Implementation. After the governing body has adopted the budget, the budget constitutes a limitation on expenditures made during the year, except that the governing body may increase the amount budgeted for any fund by ten percent over the amount approved by the budget committee as long as the increase does not result in an increased property tax levy. If the governing body desires to make more extensive increases resulting in an increase greater than ten percent, or a higher levy, budget summaries must be republished and another public hearing held.

lines of inquiry

Because boards and bureaus have the ultimate responsibility for the policies and administrative activities which directly touch the lives of individual citizens, it is of vital importance that people understand the source and limits of bureaucratic authority, the mechanisms for citizen involvement in bureaucratic decision-making, and the protection that due process requirements and appeal procedures provide.

action ideas

Because it is unlikely that students would have the opportunity for direct experience with the processes available to citizens who want to contest the decisions of a bureaucracy, they can gain valuable knowledge of these processes through vicarious experience. Students might watch the newspapers for stories of individual or group efforts to use the petition, the Ombudsman, or the courts to change an administrative ruling, and interview the persons involved. Or the class might invite an attorney to present them with case studies which illustrate the successful use of these devices.

Teachers or students may have personal knowledge of experiences which would provide good case studies.

Resources

Lyford, Joseph P. "The Establishment and All That." *The Center Magazine*. A publication of the Center for the Study of Democratic Institutions, 2056 Eucalyptus Hill Road, Santa Barbara, California 93103. September 1968.

Ellul, Jacques. *The Political Illusion*. Alfred A. Knopf, New York, N.Y. 1967.

Barzelon, Jacques. *Power in America: The Politics of the New Class*. Institute for Policy Studies, The New American Library, 1301 Avenue of the Americas, New York, N.Y. 1964.

Toffler, Alvin. *Future Shock*. Bantam Book. Random House, Inc., 201 East 50th Street, New York, N.Y. 10022. 1971.

Parkinson, Northcote. *Parkinson's Law*. Houghton Mifflin Company, 2 Park Street, Boston, Massachusetts 02107. 1969.

Peter, L.J. and Hall, R. *The Peter Principle: Why Things Always Go Wrong*. William Morrow and Company, Inc., 105 Madison Avenue, New York, N.Y. 10016. \$4.95.

supporting information

boards,

Boards and bureaus are people.

In Oregon, the people elect approximately 167 state officials. However, it requires thousands of other people to actually carry on the day-to-day operations of state and local government. Well over 30,000 people are employed by the state, with hundreds more employed by cities, counties, and special districts. At the state level:

(1) Academic employees, professors for the four state universities and colleges, exceed 4,700.

(2) Exempt and unclassified employees, such as state police, exceed 1,000.

(3) All other people who work for the state, from engineers, assistant attorneys general, and tax consultants, to filing clerks and stock boys exceed 24,000.

Other elected officials, whose jobs are considered full time, receive greater pay for their services. The salaries of full-time elected officials in Oregon are usually considered less than commensurate with those in private industry.

Oregon is generally considered a state with few of the problems of "machine" politics though appointive positions are sometimes considered "patronage." Possi-

bureaus, and other change agents

bility of patronage by the legislature is limited to such jobs as committee clerks, doorkeepers, pages, or personal secretaries which last only one session.

The executive office has much more opportunity to exercise patronage because of the governor's appointment opportunities. His appointments are carefully scrutinized by the press, however, and obvious patronage is brought to the public's attention.

Most state agency employees (secretaries, physicians, institution teachers, custodians, etc.) are required to pass tests and earn civil service ratings. An attempt is made to keep the salaries of these employees competitive with comparable positions in private enterprise so that state agencies will not be at a disadvantage in obtaining quality personnel.

Most local governments also screen employees through a civil service testing procedure.

There are two broad classifications of public service:

(1) Human services include all activities involved with meeting the needs of individuals. These activities are usually performed by the worker through direct contact with the public. Preparation for human services occupations includes: (a) training in social science, interviewing, interpersonal relationships, community service, and counseling; (b) training for a specific function, or specialty skill, such as a health service, teaching, welfare, rehabilitation, public safety, corrections.

(2) Municipal services include all those public service occupations involving guardianship, maintenance, and improvement of the public domain for the general welfare of society.

Training for municipal service occupations is primarily aimed at the development of specialty skills in management, engineering, drafting, accounting, maintenance, construction, etc.

Training in social science and specific social service functions is also applicable for municipal service occupations, but will vary in proportion to direct contact with the public. Because only a few government employees are elected with direct ties to the people, and so many people are appointed or selected through competitive examination, the citizen sometimes comes to regard government as some kind of nebulous "They," rather than "We." Problems that arise are usually between citizens and those appointed officials or public employees who sometimes forget that they are working for the public, with an obligation to serve the people.

It should be remembered, however, that citizens can change the way public employees operate. If a citizen is not satisfied with government employees who serve him, or bureaucratic decisions which affect him, he has three general alternatives:

- (1) Petitioning the board or elective official in charge
- (2) The Ombudsman
- (3) The courts

THE FUNCTIONS OF BOARDS AND COMMISSIONS

Many state boards and commissions in Oregon exercise authority delegated by the Governor (the executive branch) or the legislature and establish the policies which govern state agencies.

Boards of this type are often composed of laymen.

Other boards and commissions serve in an advisory capacity to state and local officials.

The extent to which boards and commissions are involved in the activities of Oregon citizens can be seen by reviewing the list on page 330.

How does the individual use agencies and commissions to affect change in Oregon? Securing

action ideas

Careers in Government. Students should have an opportunity to explore and learn about the many opportunities for government service on all levels and investigate one particular government occupation in which they are most interested.

Using available publications students can read about various types of government service. They can interview government workers on the job, visit employment officers, or write letters to people in government to learn about the many opportunities available for government employment.

Have each student prepare a profile of the particular government occupation he has chosen, including such things as qualifications, duties, and responsibilities. Some may want to tape interviews or photograph aspects of the occupations they have studied for presentation to the class.

Resources

Blau, Peter M. *Democracy in Modern Society*. Random House, New York, N.Y. 1956. Paperback, \$1.50.

Polsby, Nelson W. *Community Power and Political Theory*. Yale University Press, New Haven, Connecticut. 1963. Hardcover, \$5. Paperback, \$1.65.

Improving Executive Management in the Federal Government. Distribution Division, CED, 477 Madison Avenue, New York, N.Y. 10022. \$1.50. 1964. (Also have many publications free of charge to educators; write for list of publications to above address.)

Appraisal. Film: 29 minutes, black and white, grades senior high-adult. Problems in evaluating subordinate personnel. Very sophisticated. *\$2.25.

Hughes, Harold. "Bureaucracy: Oregon's 'Hidden' Government." *The Sunday Oregonian*. January 10, 1971.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

appointment to one or several of the various boards or commissions is one avenue. However, frequently overlooked is the possibility of affecting change through testimony and petition at board and commission meetings, all of which are legally open to the public except in rare instances.

A good example of productivity by lay citizens appointed to a state board is the State Welfare Commission. In the 1960's costs were rising rapidly when the commission instituted the first fraud investigation, expanded work relief programs, initiated vocational training for the non-disabled, began intensive casework to identify clearly those who needed help, promoted adult education, and prepared and disseminated the first materials on voluntary birth control. In a short three-year period this particular commission was simultaneously saving tax money and promoting human values.

THE NATURE OF BUREAUCRACY*

In this country, "bureaucrats outnumber judges and legislators on the order of more than a thousand to one. . . . Not only are there vastly more bureaucratic roles than there are legislative or judicial roles, but modern bureaucratic roles, unlike legislative roles and unlike some judicial roles, are full-time occupations and professions characterized by permanence of tenure.

*Almond, Gabriel A. and Powell, G. Bingham, *Comparative Politics*. Little, Brown & Company, Boston, Massachusetts. 1966.

STATE OF OREGON SALARIES

1970-71

ELECTED OFFICIALS

Executive:	Annual
Governor	\$28,500 (plus \$1000 monthly expenses)
Secretary of State	24,000
State Treasurer	24,000
Attorney General	23,000
Superintendent of Public Instruction	24,000
Commissioner of Labor	21,500

Legislative

Salary of State Representatives and Senators is \$262.50 per month. Allowable expenses in the amount of \$25 per day for the length of each legislative session is also provided by law. \$125 per month expenses is allowed in the interim period.*

Judicial

Supreme Court Justices	\$26,000
Court of Appeals	25,000
Circuit and Tax Court Judges	24,000
District Judges	18,000

APPOINTED PUBLIC OFFICIALS

	Minimum	Maximum
Adjutant General	\$15,684	\$30,028
Agriculture, Director of	15,684	20,028
Bind School, Superintendent	12,900	16,476
Commerce, Director of	15,684	20,028
Corrections Division, Administrator	19,068	24,348
Deaf School, Superintendent	12,900	16,476
Education Coordinating Council, Executive Secretary	17,292	22,092
Employment, Division of, Administrator	16,476	21,036
Engineer, State	15,684	20,028
Executive Department, Director	19,068	24,348
Fire Marshal	12,548	17,292
Fisheries, State Director	14,940	19,068
Forester, State	15,684	20,028
Game, State Director	15,684	20,028
General Services, Director	16,476	21,036
Geologist, State	13,548	17,292
Health Officer, State	23,184	29,592
Highway Engineer, State	21,936	27,984
Lands, State Division, Director	13,548	17,292
Librarian, State	13,548	17,292
Liquor Control, Administrator	15,684	20,028
Mental Health Div., Admin. of	24,348	31,068
Motor Vehicles Division, Administrator	16,356	20,880
Parole and Probation, Director	14,232	18,156
Police, State Superintendent	16,476	21,036
Public Utility Commissioner	18,156	23,184
Revenue Department, Director	19,068	24,348
Retirement Board, Public Employees, Exec. Sec.	14,940	19,068
State Accident Insurance Fund, General Manager	16,476	21,036
Special Schools	14,232	18,156
Transportation, Department of, Director	19,068	24,348
Veterans' Affairs, Director	15,684	20,028
Water Resources Director	14,940	19,068
Welfare, Public, Administrator	19,068	24,348
Workmen's Compensation Board, Commissioners (3)	15,684	20,028

For any unclassified position when the salary is not fixed by law, the Department of Finance must approve the salary plan before it can be put into effect. Salaries of all classified positions are established by the Personnel Division.

ACADEMIC

	Salary	Expenses	Housing Perquisite Per Year
Chancellor	\$36,881	\$ 2,000	\$ 2,400
University Presidents:			
University of Oregon	34,125	2,000	2,400
Oregon State University	34,125	2,000	2,400
Portland State University	34,125	2,000	2,400
Eastern Oregon College	26,825	1,000	2,000
Southern Oregon College	26,825	1,000	2,000
Oregon College of Education	26,825	1,000	2,000
Oregon Technical Institute	24,825	1,000	2,000

Salaries of academic staff in the State System of Higher Education are fixed by the State Board of Higher Education.

"If we add that bureaucrats are technically proficient in particular areas of public policy, that they are in continuous contact with particular areas of public affairs, and that they are in possession of information which is essential to the making and enforcement of public policy, we begin to appreciate why political scientists quail before the task of generalizing about the importance of bureaucracy, and why they seem to be more concerned with devising ways for controlling it and for preventing it from getting out of hand.

"If we wish to come to grips with the question of the significance of bureaucracy in political systems, we have to ask functional system questions—we have to ask questions having to do with the things that bureaucracies do in the conversion processes of political systems. . . .

"In order to understand the peculiar role of bureaucracy, we would like to argue the thesis that bureaucracies tend to monopolize outputs. Only bureaucrats enforce laws, policies, or decisions . . . and the development of 'counter-bureaucracies' within party or legislature is the only effective check, given the complexity and technical nature of the activities of modern political systems . . .

"In addition to having this monopoly of rule enforcement, bureaucracies are typically of great importance in the processes of rule making. In the modern era most legislation is of a very general kind; in order that it may be effectively enforced, adminis-

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*Salaries will be \$275 in 1972 and \$400 in 1973. In-session expense accounts will increase to \$30 in 1973 and out-of-session monthly allowance will increase to \$150 at the end of the 1973 session.

lines of inquiry

action ideas

Political Reporting. Contact local newspaper and arrange for students to accompany reporters in covering meetings of the local school board, city council, board of commissioners, etc. Each student can write his own account and compare his report with that of the reporter or study submitted by the local reporter.

As a class analyze differences, if any, in the interpretation of action and events.

supporting information

trative officials must work out regulations on regulatory codes elaborating the policy which has been adopted by the political branches of government.

"Usually the extent to which a general policy is carried out is dependent upon the interpretations which bureaucrats give to it, and upon the spirit and effectiveness with which they enforce it. Thus, much of the substance of policy is a matter of decision by bureaucrats, and the effectiveness of policy is the consequence of the spirit and the will of bureaucrats.

"In addition, we know that a great deal of the adjudication carried on by modern political systems is carried on not by independent courts, but by administrative agencies, whether they be organized as independent regulatory bodies or as units in regular operating departments.

"But our discussion of the significance of bureaucracy is not complete by simply examining its role in the performance of what we call the governmental functions of rule making, rule adjudication, and rule enforcement. We have already pointed out that bureaucratic agencies may perform important functions as articulators and as aggregators of interest. Thus, for example, agriculture departments, labor departments, defense agencies, and welfare and education agencies may be among the most important spokesmen for interest groups in the society.

Resources

Man in the Middle. Film: 54 minutes, black and white, grades 7-adult. Small town mayor caught between white bigots and black power advocates. *\$9. Also available from McGraw-Hill Films, 530 W. 42nd Street, New York, N.Y. 10036.

"Report on the Ombudsman (or Public Protector) Concept, and Grievance Handling and Citizens' Services in Oregon." *Portland City Club Bulletin*, Volume 50, No. 52, City Club of Portland, 505 Woodlark Building, Portland, Oregon 97205. May 29, 1970.

Privacy: The Control of Personal Information. The AEP Public Issues Series, American Education Publications, Education Center, Columbus, Ohio 43216. 40 cents.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

"Bureaucratic agencies have many resources and channels of access to make them extremely significant in interest articulation. A good example of the pressure which can be generated through bureaucratic administrative discretion in conduct of regular affairs is furnished by the tactics of Postmaster General Arthur Summerfield. He gave orders to stop mail deliveries on Saturdays when Congress was reluctant to give his Department funds he said were needed.

"Finally, bureaucracies are of enormous importance in the performance of the communication function in political systems... Newspapermen and radio and television newscasters are constantly knocking at the doors of administrative officials in search of the latest information in all spheres of... policy. While an aggressive press in a modern democratic society has considerable leverage in forcing information out of the bureaucracy, it is quite clear that bureaucrats have some control over the amount of information which is transmitted and the way in which it is interpreted.

"The decisions made by political elites, whether they be executives or legislators, are also based in considerable part on the kind of information which they are able to get from administrative agencies.

"Similarly, interest groups, political parties, and the public are dependent on information transmitted by administrative officials."

CITIZEN INVOLVEMENT IN RULE-MAKING PROCEDURES OF GOVERNMENT AGENCIES

Every government agency, and especially at the state level, develops rules and regulations which have the force of law and influence judicial and administrative decisions.

Compilation and codification of all the administrative rules of all the state agencies is a monumental task assigned by the legislature to the Secretary of State's office. In addition, each agency usually publishes and circulates to its own clientele the administrative rules of the agency.

This means that any citizen who wants to know the full effect of a law must also consult the administrative rules of the agency which administers the law, and this often entails visiting the Secretary of State's office or agency head-

quarters when the rules concerned are not published in a form that makes them easy to disseminate through the mails. Accumulations of administrative rules in the Secretary of State's office are rarely consulted, which is an indication of the fact that most lay citizens are unaware of the existence of these supplementary regulations which have the force of law and can materially affect their social and economic well being.

Informed and interested citizens can get involved in the rule-making procedures of government agencies, however. For example, teachers and parents could become involved in such rule-making procedures of the Oregon Board of Education as the development of certification or minimum school standards by attending hearings, asking for representations on the drafting committees, etc. (See pages 380 to 383.)

"Rule-making procedures cover the spectrum from no party participation to full-fledged trials, but the mainstay is submission of tentative drafts to affected parties for written comments. The simple system of deferring the effective date of published rules in order to allow criticisms has been quite successful.

"Other methods include consultations and conferences, advisory committees, and speech-making hearings.

"In absence of statutory requirement of hearing, and in absence of a dispute about specific facts, case law ordinarily does not require either a speech-making hearing or a trial-type hearing for rule making.* Use of trial methods for developing opinions of parties about policy issues is often extremely awkward and inefficient."

"The Federal Register Systems, including the *Federal Register*, the *Code of Federal Regulations*, and the *United States Government Organization Manual*, have largely fulfilled the need for public information, despite various deficiencies. However, the legislature unsystematically supervises administration as the occasion arises.

"An unpublished regulation is ordinarily invalid as against any person who has no knowledge of it. Publication of a regulation in the *Federal Register* means constructive notice even to a farmer who specifically relies on a government agent's mistaken advice about the content of a regulation."***

*Oregon does not have a systematic arrangement for legislative review of administrative rules. There is enabling legislation, rarely invoked, for review on complaint.

**Davis, Kenneth Culp, *Administrative Law Text*. West Publishing Company, St. Paul, Minnesota.

lines of inquiry

action ideas

The News Media in Fiction. To find out what a former newspaper reporter turned novelist has to say about the tactics and the power of certain parts of the American press in affecting the performance of public officials, students might read *Capable of Honor* by Allen Drury, paying special attention to the story of Walter Wonderful. Students should then look up two or three reviews of the book when it was first published. How did the critics evaluate it? The class should discuss some of the accusations made about powerful news columnists in the book, and how critics dealt with the book.

Resources

Drury, Allen. *Capable of Honor*. Dell Books, Dell Publishing Company, Inc., 750 Third Avenue, New York, N.Y. 1966. \$1.25.

Alexander, Herbert. *Political Broadcasting*. (Pamphlet) Center for Information on America, Washington, Connecticut 06793. 35 cents.

Turnbull, George S. *History of Oregon Newspapers*. Binfords and Mort, Portland, Oregon. 1939.

Gross, Gerald, F. J. *The Responsibility of the Press*. Fleet Publishing Corporation, New York, N. Y. 1966.

Kendrick, Alexander. *Prime Time: The Life of Edward R. Murrow*. Little, Brown, and Company, Boston, Massachusetts. 1969.

White, Wm. Allen. *The Autobiography of William Allen White*. The Macmillan Company, New York, N.Y. 1946. \$6.95.

Television: A Political Machine? Film: 14 minutes, black and white. Examines how politics is affected by the mass media. *\$5. Order No. CS-1941.

Journalism-Mirror, Mirror on the World? Film: 52 minutes, black and white. Analysis of the news approach of different groups to the coverage of a peace demonstration. *\$11.75. Order No. IS-636.

Tomorrow's Television: Get What You Want or Like What You Get. Film: 62 minutes, black and white. Developing television technologies impact upon the future of the medium. *\$13.59.

The Whole World is Watching. Film: 54 minutes, black and white. Investigation into the sources of control of network television broadcasting. *\$11.75.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

OREGON'S OMBUDSMAN

Creation of the office of Ombudsman in 1969 was a direct response to the need to give people recourse from bureaucratic decisions. Following are excerpts from an article about the Ombudsman which appeared in several newspapers in Oregon in July 1969:

Oregon's first Ombudsman, Marko Haggard, was a Professor of Political Science from Portland State University.

The Governor asked the legislature for an Ombudsman in 1969, but the proposal died. Therefore, he created the position out of his own office budget. The 1971 Legislative Assembly agreed to recognize the position, but appropriated no funds for operation of the office. These still came from the Governor's budget.

Oregon's Ombudsman differs in one respect from other ombudsmen. In parliamentary countries they are independent from government—"their power is the power to publicize." (In some American cities, newspaper letters, columns, and broadcast talk shows have expanded their service in this role in recent years.)

Oregon's Ombudsman is located in the Governor's office with telephone lines to—and from—everywhere. He serves as another ear for the Governor.

"It is an ambitious undertaking and it's going to take a lot of time," says Haggard.

"But with reorganization changing the face of government duties and responsibilities, the Ombudsman will provide a vital response center to the needs of the people."

THE POWER OF OREGON'S MASS COMMUNICATION MEDIA

Oregon has 25 dailies, 96 weeklies and semi-weeklies, and one semi-monthly newspaper. About 250 periodicals are published by various special interest groups within the state. There are around 100 radio stations in the state. In addition, the *Blue Book* for 1970-71 listed 13 commercial television stations and 11 educational radio and television stations.

Much has been written about the role of media in a democracy and obviously the communication function provided by newspapers, radio, television, etc., is of critical importance to effective participation. However, this is so

obvious that perhaps the most useful tool for teachers to use in helping students become discriminating readers and listeners is the Code of Ethics, printed below, which students can use as the criteria for evaluating news coverage in their own communities.

EXERTING INFLUENCE AT THE FEDERAL LEVEL

Almost all congressmen maintain an office in their congressional district. It gives the congressman a place from which to operate when he is in the district and, equally important, it gives people a more personal form of contact with Congress. A congressman can be reached by writing to him in care of the Senate or House Office Building, Washington, D.C. 20515, or by calling or writing him at his district office, usually in the major city within the district. (See also page 300.)

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CODE OF ETHICS*

The primary function of newspapers is to communicate to the human race what its members do, feel, and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, or knowledge, and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissolubly linked its obligations as teacher and interpreter.

To the end of finding some means of codifying sound practice and just aspirations of American journalism, these canons are set forth:

I. Responsibility— The right of a newspaper to attract and hold readers is restricted by nothing but considerations of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility, which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

II. Freedom of the Press— Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.

III. Independence— Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and substance.

2. Partisanship, in editorial comment which knowingly departs from the truth, does violence to the best spirit of American journalism; in the news columns it is subversive of a fundamental principle of the profession.

IV. Sincerity, Truthfulness, Accuracy— Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control, or failure to obtain command of these essential qualities.

2. Headlines should be fully warranted by the contents of the articles which they surmount.

V. Impartiality— Sound practice makes clear distinction between news reports and expressions of opinion. News reports should be free from opinion or bias of any kind.

This rule does not apply to so-called special articles unmistakably devoted to advocacy or characterized by a signature authorizing the writer's own conclusions and interpretation.

VI. Fair Play— A newspaper should not publish unofficial charges affecting reputation or moral character without opportunity given to the accused to be heard; right practice demands the giving of such opportunity in all cases of serious accusation outside judicial proceedings.

1. A newspaper should not invade private rights or feelings without sure warrant of public right as distinguished from public curiosity.

2. It is the privilege, as it is the duty of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever their origin.

DECENCY— A newspaper cannot escape conviction of insincerity if while professing high moral purpose it supplies incentives to base conduct, such as are to be found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.

*American Society of Newspaper Editors

major concept 4

STATE AND LOCAL GOVERNMENTAL UNITS ARE CREATED AND ALTERED TO MEET SPECIFIC NEEDS OF THE PEOPLE WITHIN THOSE UNITS. THE FORM AND FUNCTION OF THESE UNITS ARE DETERMINED BY HIGHER CONSTITUTIONAL LAW AND TRADITION AS WELL AS BY NEED.

"Governmental units" as used here, refers to all legally constituted governing bodies created directly by petitioning and balloting of the people or through action of their duly elected or appointed representatives. Governmental units embody, either singly or in combination, these three functions: (1) policy-making, (2) policy-administration, and (3) policy-adjudication.

Typical governmental units in Oregon are:

- State government
- County government
- City government
- School districts
- Special districts (fire, water, sewer, port, etc.)

All units of government at all levels must be formed, revised, or dissolved under the law. Man creates, organizes, taxes, administers, evaluates and makes changes in government only through a legal process. The United States Constitution, federal laws, the Oregon Constitution and state laws regulate our activities and protect our rights. For instance, the federal constitution guarantees to each state a republican form of government which embodies the value concept, "government by consent of the governed." It also establishes fundamental restraints on all levels of government through the Bill of Rights.

Tradition is also an important factor in determining what government is to do and how it shall do it. Value concepts such as "limited government" and "popular participation" have historically exerted strong influence on both the creation and modification of Oregon governments.

"Specific needs" refers to the recognition that people need a particular service or desire an additional service which may be provided by the creation and support of governmental units such as special districts, boards, and commissions. For example, a rural fire district is created to provide basic protection to residents in a particular area. They tax themselves to buy needed equipment and pay persons to man the station.

lines of inquiry

Oregon government has grown out of such value concepts as "limited government," "popular participation," "representative government," "consent of the governed," "inalienable rights."

However, such ideas cannot be fully understood unless they are filtered through a structure and seen in terms of the following practical applications:

- (1) Federal and state constitutions.
- (2) Statutes—state, and to some extent, federal.
- (3) Court decisions, particularly decisions of the Oregon Supreme Court and the United States Supreme Court.
- (4) Opinions of official legal advisors, particularly city attorneys, district attorneys, special county legal advisors, and Oregon's Attorney General.
- (5) Regulations promulgated by administrative agencies and officers, by authority of the statutes.
- (6) City and county charters and ordinances.

action ideas

Picture project. Have the class make a bulletin board or corner display showing how Oregon became a state. Pupils can find or draw pictures that show how Oregon's capital city looked in the early days of statehood.

Government in other societies. Have students choose one of the early Indian cultures in Oregon about which information is available; search out stories and supporting evidence to show how these people organized and governed themselves to meet basic needs.

Writing a news story. Have students use whatever resources are available in the community to write news stories, features, or editorials about a major event leading to Oregon's statehood.

Using local records. Obtain the pamphlet, *Have You an Oregon Ancestor?* and have students follow the procedures it outlines to discover their own Oregon ancestors, or those of someone in the class.

Resources

Carey, Charles H. *A General History of Oregon Prior to 1861*. Metropolitan Press, Portland, Oregon, 1936.

Historical Statistics of the United States, Colonial Times to 1957. Department of Commerce, U.S. Bureau of the Census, Government Printing Office, Washington, D.C. 1960.

Carey, Charles H., Ed. *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857*. 1926. (Available at the State Library)

McArthur, L.A. *Oregon Geographic Names*. Metropolitan Printing Co., Portland, Oregon, 1952. \$15.

Hussey, J.A. *Champoeg, Place of Transition*. Oregon Historical Society, Portland, Oregon, 1967. \$8.

Have You an Oregon Ancestor? Oregon State Archives Bulletin No. 5, Publication No. 26. Oregon State Library, Salem, Oregon 1962. 50 cents.

What You Can Write About the History of Your Home Town. Oregon State Archives Bulletin No. 1, Publication No. 10. Oregon State Library, Salem, Oregon, 1948. 10 cents.

Eichner, James A. *The First Book of Local Government*. Franklin Watts, Inc., 575 Lexington Avenue, New York, N.Y. 1964. \$2.95.

supporting information

state

The supporting information that follows begins with the source of governmental power, our federal and state constitutions, and covers the basic legal authority, limitations, and organization of the three branches of state government—legislative, judicial, and executive—and four kinds of local government—county, city, school district, and special district.

However the material is presented in a form that will permit teachers who want to approach a study of local governments via the local school district (the one with which every student has had the most experience) to begin at that level and work back to the study of state government.

ORIGIN OF GOVERNMENT IN OREGON

Some time before a treaty in 1846 recognized the jurisdiction of the United States, American settlers in the Willamette Valley adopted a provisional government to administer their most urgent local affairs. The growth of the settlement and its attempt to become independent of the Hudson's Bay Company resulted in the importation of cattle from California. A leading figure in the cattle drive, Ewing Young, died in 1841, leaving no heirs in Oregon. Young's holdings in cattle and

government foundations

land made some method of administering his estate necessary. Led by the American missionaries, the community elected a judge and peace officer.

Provisional government. Two years later, in 1843, "wolf meetings," held ostensibly to devise measures for the protection of livestock against wild animals, led to the adoption at Champoe of a constitution and a provisional government. The arrival of a considerable number of new American settlers caused revisions and improvements in 1844-45, and when John McLoughlin added his influence in the latter year, he carried with him that part of the community influenced by the Hudson's Bay Company. George Abernathy was elected governor of this more effective organization, an office he held until the Oregon Territory was finally organized in 1849.

The American settler and missionary elements were not satisfied with a local government, however, and sent petitions to Congress, where action to organize Oregon Territory was delayed by the Mexican War and the sectional controversy. In late November, 1847, the Whitman massacre dramatized the need for more protection. The provisional government raised and somehow supplied a regiment of volunteers who were sent into the Cayuse country to punish those Indians. A peace commission to keep other tribes friendly accompanied the regiment.

Joe Meek, ex-trapper, sheriff, and tax-collector of the provisional government, and a relative of President Polk's wife, was sent on a hurried trip to Washington, D.C., with news of the attack and a request for congressional action.

Oregon Territory. In August of 1848 both houses of Congress finally passed the bill creating the Oregon Territory. President Polk signed it on August 14. Early in March of 1849 the new territorial governor, Joseph Lane of Indiana and of Mexican War fame, and Meek, now United States marshal, arrived in Oregon City and the

Oregon Territory was officially organized.

During the 1850's population growth, politicians' aspirations, and other factors pressed Oregon toward statehood. In 1857, after three times voting against the proposal, each time by a smaller margin, the people of the territory approved the calling of a convention to frame a state constitution. The constitution (which excluded both slavery and free Negroes, except for those already settled, from the state) was ratified. Without waiting for congressional action, the people elected a state government in 1858 with John Whiteaker as the first Governor.

On February 14, 1859, Congress accepted Oregon as the thirty-third state of the Union.

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OUR STATE AND FEDERAL CONSTITUTIONS

The organization and growth of government in Oregon is directed by the Constitution of Oregon, which has two essential functions.

- (1) It identifies and protects certain basic individual rights by limiting the powers of government as well as by charging specific government agencies with responsibility for programs designed to enhance these rights.

- (2) It establishes the framework for all three branches of state government — executive, legislative, and judicial — as well as setting forth the broad outlines within which county and city governments can operate.

As powerful as the three branches of state government have become over the years, they are still controlled by the Oregon Constitution. Only the United States Constitution has higher authority.

lines of inquiry

At every grade level, students should be referred constantly to the Bill of Rights as the most important backdrop against which government actions can be considered.

Students should also consider such questions as: How does the U.S. constitutional guarantee of a republican form of government actually affect the form and structure of state and local government? Is Oregon's extensive use of "direct democracy" through the initiative, referendum, and recall consistent with the "republican" form provision? What limitations does this requirement really impose?

action ideas

Understanding the Bill of Rights. In order for the Bill of Rights to be meaningful to students, each item must be applied to specific situations. Teachers might list a number of situations from real cases involving different portions of the Bill of Rights and have students speculate about which right applies, whether conflicting rights or societal interests must be considered, and how the courts actually decide the cases.

Useful case study materials for this project are those prepared by Nathan Berkham of Washington High School, Portland, in cooperation with the Oregon State Bar Association, entitled *Liberty and the Law: Case Studies on the Bill of Rights*, and available through Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632.

Simulating Dictatorship. Organize the class into an autocracy. Appoint a leader and instruct him to make arbitrary rules and decisions that affect the group without any recognition of group wishes. After the experiment has gone on for a sufficient length of time, let students examine what happened to individuals when their opinions and rights were suppressed.

Resources

Cohen, W.M. Schwartz and Sobul, D. *The Bill of Rights: A Source Book*. Benziger Brothers, Inc., 260 Park Avenue South, New York, N.Y. 10010. 1968.

Wheeler, Harvey. *Democracy in a Revolutionary Era*. Center for the Study of Democratic Institutions, Santa Barbara, California. April 1970. \$2.25.

Brennan, William J., Jr. *The Bill of Rights and the States*. Center for the Study of Democratic Institutions, Santa Barbara, California. 1961. Single copy free.

Mayer, Milton. *On Liberty: Man vs. The State*. Center for the Study of Democratic Institutions. Santa Barbara, California. December 1969. \$2.25.

Have You an Oregon Ancestor? Oregon State Archives Bulletin No. 5. Publication No. 26. Oregon State Library, Salem, Oregon 1962. 50 cents.

"Our State Government." Film: 12 minutes, elementary. Film Associates of California, 11559 Santa Monica Boulevard, Los Angeles, California 90025. \$135.

supporting information

The United States Constitution requires that each state be republican (representative) in its form of government and that each state extend the same privileges and immunities to citizens of other states that it gives to its own citizens. It imposes several limitations on state government (and local governments as agencies of the state). The Fourteenth Amendment, for example, prohibits any state from denying to any citizen the "equal protection" of the laws. This has had an important effect on zoning and apportionment, among other things. Express limitations are discussed in this handbook in connection with the levels or activities of government to which they apply.

However, it is important for students to understand the general limitations imposed upon government—school, city, county, and state—by the Bill of Rights of the United States Constitution.* The Fourteenth Amendment is now regarded by the United States Supreme Court as making most of the substantive limitations in the Bill of Rights expressly applicable to state and local government (religious freedom, freedom of speech or of the press).

*The importance of relating the study of state and local government to the Bill of Rights is expressed in the following paragraphs from *The Bill of Rights—A Source Book for Teachers*, written under the auspices of the California State Board of Education. (See suggested resources under "Action Ideas.")

"Recent studies of the values and attitudes of adolescents suggest that education relating to the basic principles of American life embodied in the United States Constitution and the Bill of

united states bill of rights

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly, and to petition the Government for a redress of grievances.

Amendment II. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Amendment IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIII. Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV. Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the

whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV. Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XIX. Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV. Section 1. The right of citizens of the United States to vote in any primary or other election for President, or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Rights has been seriously deficient.

..... Such research reveals that today's youth are more willing to tolerate unauthorized searches of private dwellings, the suppression of the rights of minorities, and the discharge from public employment of persons suspected of subversive activities than were the

adolescents of ten years ago. A large percentage of a representative student sample condones the use of "third degree" police methods to obtain confessions, the denial of the right to vote to persons with "wild ideas," and residential and religious segregation.

"The Bill of Rights" as used here per-

tains to the concept of an expanded Bill of Rights. That is, all amendments which protect individual rights and liberties such as those contained in amendments Thirteen, Fourteen, Fifteen, and Nineteen—not merely the first ten amendments of the Constitution."

lines of inquiry

action ideas

Laws vs. freedom. Students write and illustrate stories about the freedoms which individuals would lose if there were no laws or policemen to enforce them.

Understanding the need for the Bill of Rights. Have each student select one of the sections of Oregon's Bill of Rights and prepare and deliver a speech about its meaning and its significance to us in our daily lives.

Exploring Attitudes. An interesting experiment to find out to what extent people really believe in the *ideas* in the Bill of Rights (either U.S. or Oregon's), is to paraphrase some of the fundamental ideas and ask adults and other students if they think these ideas are workable today. A questionnaire might be constructed, using as a reference:

Schwartz, Alvin, and others. *What Do You Think*. New York, N.Y. 1966, pp. 25-26; 34-42. A readable explanation to students on how to construct polls and questionnaires. E.P. Dutton and Company, Inc., 201 Park Avenue S., New York, N.Y. 10003. \$4.75. (Available at the State Library.)

Resources

Democracy: What You Should Know About It and Why. Series of six filmstrips dealing with nature of democracy, basic principles and how these principles operate. High School. McGraw-Hill Book Company, Text-Film Division, 330 West 42nd Street, New York, N.Y. 10036. Set of six. \$39.75.

State Constitutions—Scope and Basic Structure of Power. Film: 30 minutes, high school. Encyclopaedia Britannica Educational Corporation, 425 North Michigan Avenue, Chicago, Illinois 60611.

Carey, Charles, Ed. *The Oregon Constitution and Proceedings and Debates of the Constitutional Conventions of 1857*. 1926. (Available from State Library)

Citizenship and You. Film: 13½ minutes, black and white, grades 7-14. Open-ended film that stresses what makes a good citizen. **\$4.50. Also available from Coronet Instructional Films, Division of Esquire Inc., 65 E. South Water Street, Chicago, Illinois 60601.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

oregon bill of rights

Preamble. We the people of the State of Oregon, to the end that Justice may be established, order maintained, and liberty perpetuated, do ordain this Constitution.

Article 1. Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.—

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.—

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious (sic) opinions, or interfere with the rights of conscience.—

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit.—

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religious (sic), or theological institution, nor shall any money be appropriated for the payment of any religious (sic) services in either house of the Legislative Assembly.—

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion (sic); nor be questioned in any Court of Justice touching his religious (sic) belief to affect the weight of his testimony.—

Section 7. Manner of administering oath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.—

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting

the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.—

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—

Section 11. Rights of accused in criminal prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor; provided, however, that any accused person, in other than capital cases, and with the consent of the trial judge, may elect to waive trial by jury and consent to be tried by the judge of the court alone, such election to be in writing; provided, however, that in the circuit court ten members of the jury may render a verdict of guilty or not guilty, save and except a verdict of guilty of first degree murder, which shall be found only by a unanimous verdict, and not otherwise; provided further, that the existing laws and constitutional provisions relative to criminal prosecutions shall be continued and remain in effect as to all prosecutions for crimes committed before the taking effect of this amendment.

Section 12. Double jeopardy; compulsory self-incrimination. No person shall be put in jeopardy twice for the same offence (sic), nor be compelled in any criminal prosecution to testify against himself.—

Section 13. Treatment of arrested or confined persons. No person arrested, or confined in jail, shall be treated with unnecessary rigor.—

Section 14. Bailable offenses. Offences (sic), except murder, and treason, shall be bailable by sufficient sureties. Murder or treason, shall not be bailable, when the proof is evident, or the presumption strong.—

Section 15. Reformation the basis of criminal law. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.—

Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case. Excessive bail shall

not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense.— In all criminal cases whatever, the jury shall have the right to determine the law, and the facts under the direction of the Court as to the law, and the right of a new trial, as in civil cases.

Section 17. Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate.—

Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.

Section 19. Imprisonment for debt. There shall be no imprisonment for debt, except in case of fraud or absconding debtors.—

Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—

Section 21. Ex-post facto laws; law impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors. No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that law locating the Capitol of the State, locating County Seats, and submitting town and corporate acts, and other local, and special laws may take effect, or not, upon a vote of the electors interested.—

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Section 23. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it.—

Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.— No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.—

Section 25. Corruption of blood or forfeiture of estate. No conviction shall work corruption of blood, or forfeiture of estate.—

Section 26. Assemblages of people; instruction of representatives; applica-

tion to legislature. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of grievances (sic).—

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence (sic) of themselves, and the State, but the Military shall be kept in strict subordination to the civil power (.)

Section 28. Quartering soldiers. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 29. Titles of nobility; hereditary distinctions. No law shall be passed granting any title of Nobility, or conferring hereditary distinctions.—

Section 30. Emigration. No law shall be passed prohibiting emigration from the State.—

Section 31. Rights of aliens; immigration to state. Repealed.

Section 32. Taxes and duties; uniformity of taxation. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax.

Section 33. Enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.—

Section 34. Slavery or involuntary servitude. There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.—

Sections 35, 36, 37. Repealed.

Section 38. Laws abrogated by amendment abolishing death penalty revived.

Section 39. Sale of liquor by individual glass. The State shall have power to license private clubs, fraternal organizations, veterans' organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only . . . (Specific details of administration are omitted.)

lines of inquiry

Students should investigate such questions as:

Why is it so difficult to get legislative and public support for constitutional revision?

Is the Oregon Constitution of 1859 adequate to meet the needs of 1971?

Who opposes constitutional revision, and why?

action ideas

Comparative Study of Constitutions. Students might review the constitutions of various organizations and governments to determine the component parts of each and their similarities or differences in providing frameworks for action. Use a student council constitution, city charter, and the Oregon Constitution. Compare this format and treatment of legislative, executive and judicial branches. Locate and study their provisions for initiative, referendum, recall, and amendment. After the class has studied these documents, it might wish to write amendments to the school's constitution, or to write a constitution for the school, class, or a club.

Comparing Drafts to Original Procedure. Contact Mr. Millard McClung at the Oregon Historical Center and ask to have copies made of articles in the first draft of the Oregon Constitution. Let students compare the original draft with the constitution as it is today and ask them to speculate on why changes were made.

Resources

Riddle, Donald, and Cleary, Robert, Eds. *Political Science in the Social Studies*. 36th Yearbook of the National Council for the Social Studies, 1201 Sixteenth Street NW, Washington, D.C. 20036. 1966. \$4 (Paperback)

Political Science In The Social Studies, Donald Riddle and Robert Cleary, Eds., National Council for the Social Studies, 1966. 36th Yearbook. Available from 1201 Sixteenth Street NW, Washington, D.C. 20036. \$4. Paperback.

West and the Wind Blowing. Film: 30 minutes, black and white. America—What has been done with this land and will we continue to fulfill its promise? *\$6.75. Order No. CS-1678.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

Oregon's Constitution has been amended approximately 115 times (see box). Most amendments originated with the legislature rather than by initiative petition. Around 1902, however, there was a relatively short period of constitutional change through the initiative process. The length of the present constitution is around 22,000 words and, for at least 20 years, there has been considerable agitation for constitutional reform. The following is a brief history of the movement for major constitutional revision.

CHANGING THE CONSTITUTION

No change can be made in the Oregon Constitution without approval of the voters. This illustrates the essential democratic nature of state government. However, because requirement of a popular vote makes it more difficult to change constitutional provisions than statutes, proponents of certain public policies, which could be authorized by statute, often seek their enactment in the constitution. For example, the Oregon Constitution contains provisions earmarking highway revenues, authorizing public utility districts, etc. Also attorneys for purchasers of state and local government bonds have required constitutional and charter amendments to authorize bond issues, primarily because of the higher legal status and greater permanency.

The 1953 Legislative Assembly authorized a study of the existing constitution to be undertaken by a constitutional committee, which reported its findings to the 1955 session. By a bare majority, the committee recommended that a constitutional convention be held. At that time a convention was the only way to get a new or

revised constitution. The committee believed so many changes were needed that the task could not be undertaken through the regular referendum procedure, which requires a separate vote on each subject.

Along with its recommendation for a constitutional convention, the 1955 committee drafted a revised constitution which it thought would provide a good draft for initial consideration by the proposed convention. The draft closely followed the existing constitution in structure and philosophy, suggested some substantive changes, shifted subject matter into new arrangements, and dropped some parts as obsolete, statutory, or ambiguous. However, the 1955 Legislative Assembly did not pass the necessary legislation to call a constitutional convention.

During the 1957 session, an amendment was proposed to provide an alternative method for revising the constitution. The convention method and the section-by-section referendum apparatus were retained, but, in addition, the legislature could refer the whole or partly revised constitution as a one-vote proposition, provided that two-thirds of each house approved the revision to be referred. In effect, the legislature would be a constitutional convention. The suggestion was not adopted by the legislature in 1957, but it was adopted in 1959, and, upon referral, was passed by the voters at the 1960 general election.

Thus, the 1961 Legislative Assembly faced the prospect of becoming a constitutional convention without benefit of preparation. It was

obvious that, with its other tasks, the legislature did not have time to do ground work on revision. A Commission for Constitutional Revision, composed of representatives of all three branches of state government and the general public, was created by joint resolution. It was ordered to study the matter and report to the 1963 Legislative Assembly.

At its second meeting, the commission voted to undertake preparation of a draft which would represent a full revision of the constitution, rather than an attempt to "tidy up" existing text without proposing substantive changes.

Discussion centered on the commission's need to recommend a "whole" constitution to serve the state for the next century, rather than to recommend "editorial improvements" which might be more feasible politically. The majority of the commission believed that constitutional revision was needed, not because of serious textual faults, but because the constitution was faulty as a blueprint. The commission observed that the state operated despite the document's obsolete provisions and its internal conflicts and concluded that if the state did not operate well, it was in part because of the constitution's faults as a political charter. Proposed revisions of the whole constitution, based on the recommendations of the 1961 commission, were rejected at the 1963 and 1965 legislative sessions. The 1969 Legislative Assembly voted to put the question of adopting the revised constitution on the ballot, but in May 1970, the proposed new constitution was rejected by the people.

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On February 14, 1859, Congress ratified the Oregon Constitution. This is the formal birthday of the state. On June 3, the congressional proposal to admit Oregon into the Union was accepted by the state. John Whiteaker became the first elected Governor of Oregon.

lines of inquiry

In studying the structure of government, students should not lose sight of the impact of Congress on state and local affairs. The federal-state-local relationship is one of the most important understandings students can acquire. See also pages 24-25, which provide a good example of the interrelationships in the conservation of water resources, and pages 200-207, which deal with federal grants to state and local governments and the issue of revenue sharing.

action ideas

Guest Speaker. Invite your congressman to speak to the class about how his job relates to state and local problems and goals. If he can't visit your class, arrange to have a group of students interview him with a tape recorder (video-tape if available), and present the tape to the class.

Resources

Morgan, Joy Limer, Ed. *The American Citizens Handbook*. National Council for the Social Studies, 1201 Sixteenth Street, N.W., Washington, D.C. 1968.

States' Rights vs. Federal Power: Which is in the People's Best Interest? Great Issues Series, Scholastic Social Studies Center, 904 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. 75 cents. (Paperback.)

Anderson, William. *The Nation and the States, Rivals or Partners?* University of Minnesota Press, Minneapolis, Minnesota. 1955.

Martin, Roscoe C. *The Cities and the Federal System*. Atherton Press, Inc., 70 Fifth Avenue, New York, N.Y. 10011. 1965.

MacNeil, Neil. *Forge of Democracy: The House of Representatives*. David McKay Company, New York, N.Y. 1963.

Miller, Clem. *Member of the House: Letters of a Congressman*. Chas. Scribners & Sons, New York, N.Y. 10017. 1962.

White, William S. *Ciudad: The Story of the U.S. Senate*. Houghton-Mifflin Company, Boston, Massachusetts 02107.

supporting information

CONGRESS AND THE FEDERAL GOVERNMENT

Oregon state and local governments must also operate within the framework of federal legislation and administrative regulations. Actions of Congress and the federal government have a tremendous impact on Oregon government and citizens; e.g., proposals concerning welfare, revenue sharing, model cities. Oregon, in turn, exerts influence in Congress and on administration of federal government through its two senators and four representatives.

The following discussion of the functions of a congressional office, prepared by the staff of one of Oregon's congressional representatives,* provides considerable insight into the impact of federal government on the affairs of Oregon.

Functions of a Congressional Office. A congressional office in Washington is the hub of a congressman's activities. Here the majority of his staff work, usually ten of the approximately 12 people he is entitled to employ at taxpayers' expense.

A congressman's duties may be divided into several categories, and in all of these, except voting in committee and on the floor of the House or Senate, he is actively assisted by his staff.

Communications Function. A congressman has an obligation and a duty to inform his constituents of his

*Congressman Wendel Wyatt, First District.

activities in Congress, potential federal legislation or administrative action that may be helpful or detrimental to his congressional district or state, and actions he has taken on behalf of his district and constituents. This function is primarily accomplished by newsletters, taped radio and television broadcasts, interviews by Washington correspondents for the major news services, and periodic visits to his district where he makes speeches and meets with groups of constituents and reporters. The biggest and most time-consuming activity is the answering of mail. Each day's mail brings between 75 and 150 letters from individual constituents in which they express displeasure or support for a bill before the Congress; strong personal feeling about areas that need new or improved federal legislation; problems that their labor unions, businesses, cities, counties, or civic organizations need assistance with; requests for publications or other information that may be available to the congressman from other federal agencies; personal problems that they may have encountered in dealing with a federal agency.

 **Casework.** The problems that constituents have with federal agencies; e.g., social security problems, veterans' problems, military hardship situations, or just the refusal of a federal agency to communicate meaningfully, occupy a large amount of staff time. Each problem requires a great deal of individual attention, including correspondence to the federal agency involved and reports to the constituent, checking to see that the problem is progressing satisfactorily toward a solution. In this area the congressman and his staff act as an ombudsman for the constituent. The congressman's office is not beholden to any federal agency, cannot be disciplined, reprimanded, censured or fired by any member of the federal bureaucracy, but can truly take an independent view to see that constituents' problems are fully and fairly decided according to law, custom, and equity.

 **Legislative Function.** This is commonly conceived as the actual debate and voting by senators or representatives which takes place on the floor of the House or Senate, but the huge bulk of the work is done long before these public gestures of support or disfavor for a bill. Most of the legislative work of the Congress is done in committee, and each member of the Senate or House serves on one, two, or some-

times three individual committees, requiring a great deal of time and attention. Here long hours of testimony are taken from expert witnesses—people who are knowledgeable about the proposed legislation and its effects. Of the approximately 25,000 bills that are introduced in each session, only about 2,000 ever emerge from committee and reach the floor of either house. On many there is little if any controversy, and they are passed by a voice vote with no debate. In addition, as a congressman must propose legislation to meet problems that haven't been solved for constituents under existing law, inequities that develop in the relationship between an individual and his federal government, protection for an individual or group interest that isn't presently being equitably treated. To draft a bill, follow it through the committee system, and see that it is among the five percent that survive the screening and selection process is an extremely demanding job.

 **District Projects.** A congressman is responsible for seeing that his district receives its full share of the federal help that is available to develop its resources. Many times this is called "pork barrel," but this term belittles the extreme importance of these federal programs to the economy, safety, and quality of life in an area. In the Northwest, federal projects include navigation projects that are clearly important in developing deep sea commerce; flood control projects that can improve the integrity of a harbor and make it available for year-round safe use for sports and for commerce; irrigation projects that can store water for agriculture during the dry growing season; hydro-electric projects that provide electrical energy for industrial and domestic use; intensive timberland management programs that produce the most wood fibre from the land available and at the same time leave an adequate amount of timberland for conservation and recreational use; adequate post offices to serve the public; and the maintenance of a percentage of federal agencies located in the district with their subsequent payrolls for local communities.

To secure projects such as these for his district, each congressman must compete against 434 others who would like to have federal help extended to their districts.

 **Assistance in the Capital.** A congressman is

lines of inquiry

The practical political issues behind the move for reapportionment which culminated in *Baker vs. Carr* and other U.S. Supreme Court decisions had to do with increasing shifts of population from rural to urban areas and the resulting underrepresentation of urban interests under the old apportionment formulas. Students need to explore such questions as: Has the "one-man-one-vote" requirement actually resulted in enactment of laws more favorable to urban areas?

action ideas

Exploring Values. Have students:

Compare Article I, Section 1, of the Oregon Constitution with Article II, Section 6, and determine what the comparison indicates about the values of the framers of the Oregon Constitution.

They should also try to answer such questions as:

When "founding fathers" wrote original documents about the rights of men, exactly what did they mean? What is the validity of these articles today? Is Article I, Section 1, being lived up to by the citizens of the state? If the answer is no, what can you do about changing the situation?

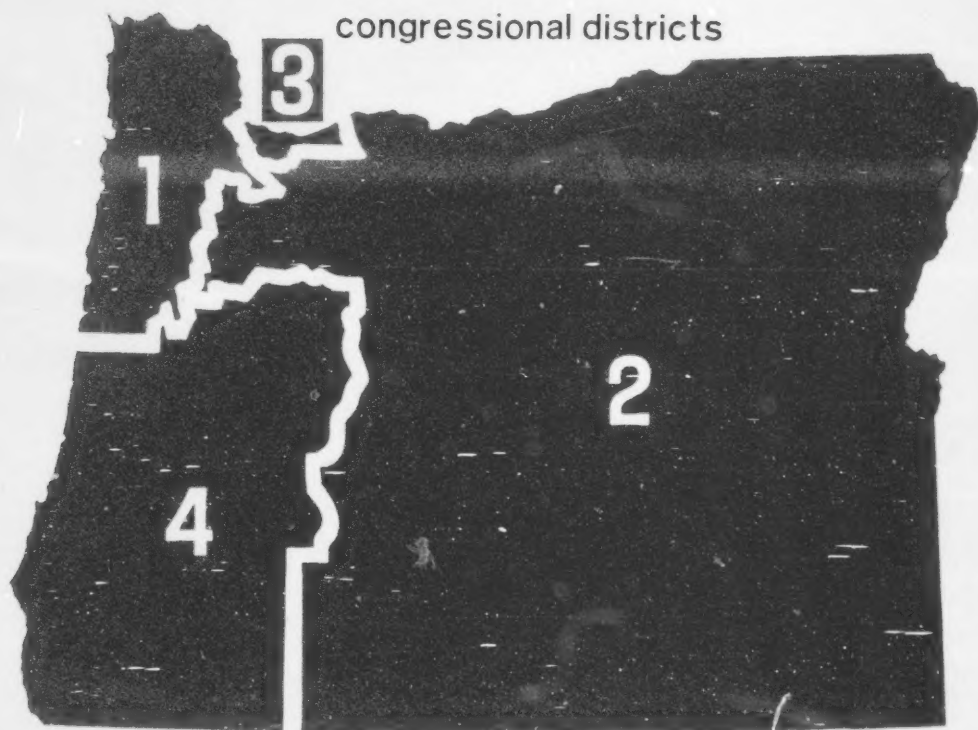
supporting information

the constituent's friend and guide when he visits the nation's capital. Each day brings many visitors from the congressman's district seeking assistance.

Congressional Districts. Each state is required to come as close as possible to electing one representative for every 469,000 people. The actual number of persons represented per congressman ranges between 337,000 (South Dakota) to 624,181 (North Dakota).^{*} The Constitution does not provide for districting the states, but Congress has enacted legislation which requires that congressional districts be equal in population and contiguous. Also, the recent "one-man-one-vote" rule of the United States Supreme Court, based on the Fourteenth Amendment, rules out even a variation as small as three percent in population as being too much. The court requires that every state make a good-faith effort to achieve precise mathematical equality and will not find acceptable any argument that variances are justified if they are the result of attempts to avoid fragmenting political subdivisions or a community of interests.

According to unofficial 1970 census figures, if Oregon could claim 235 additional people as residents, it would be entitled to a fifth representative. Because the House is limited to 435 members, if Oregon gains a fifth member another state which has lost population will lose a member. (See news story, opposite page.)

^{*}Except for Alaska and Wyoming, which benefit from the requirement that each state have at least one congressman.



CONGRESSIONAL DISTRICT APPORTIONMENT

District 1 633,941

Benton	Polk
Clackamas	Tillamook
Clatsop	Washington
Columbia	Yamhill
Lincoln	

District 2 495,523

Baker	Linn
Clackamas	Malheur
Crook	Marion
Deschutes	Morrow
Gilliam	Sherman
Grant	Union
Harney	Umatilla
Hood River	Wallowa
Jefferson	Wasco
Klamath	Wheeler
Lake	

District 3 477,020

Multnomah	Clackamas
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District 4 484,901

Benton	Jackson
Coos	Josephine
Curry	Lane
Douglas	Linn

Source: Elections Division, Secretary of State's Office.

Another Viewpoint

A 5th Congressman

Oregon earned a fourth member of the U.S. House of Representatives after the 1940 Census. For 30 years it was good, clean sport to talk about carving up the state to accommodate the fifth congressman the state was "due" to get after the next Census.

"But the 1970 Census came and went and Oregon still had only four. It missed the 5th by a good 250,000 people. Oklahoma got him."

But all is not lost, says Congressman John Delaney. The slimming possibility still exists.

Two narrowly-missing amendments in Congress in 1962 and 1971. Both Oregon and Connecticut are growing faster than the national average. If those two states were to win new representatives, South Dakota and Montana would lose one each, leaving each state with only one.

Before 1847, Oregon might have matched over Oklahoma for the additional seat. The 1820 recipe for dividing the country into congressional districts said that either the "major fraction" or the "equal proportion" formula could be used, depending upon which was the more just. The two formulas are similar but can yield different results. A 1941 amendment to the 1929 law specified the equal proportion method. (The Oregon Legislature uses the major fraction system.)

If, however, the major fraction system were still permitted, Oregon would get the seat Oklahoma got. Congress could provide for this, but new member politics. The most notable congressman from Oklahoma

is Representative Carl Albert, who will be speaker of the House.

The most notable senator from Montana is Mike Mansfield, Senate majority leader. These two powerful men are not going to do anything that will injure their state's influence in Congress.

But Oregon and Connecticut could be accommodated in another way. There are 435 members in the House of Representatives. No major, how-

An Editorial From
The Eugene
Register-Guard

ever, attaches to that number. The first Congress had only 55 members in the House.

The second Census boosted that number to 105. As new states joined the union, more members were added, until the 435 figure was reached after the Census of 1900, when then the nation's population was 75 million.

Congress held to the 435 figure until 1959 when the number was boosted to 487. Then, after Alaska and Hawaii came into the Union, the number was pared back to 435. Alaska's one representative and Hawaii's two were absorbed into the old number.

This worked a laming on states that had to give up their members to let Alaska and Hawaii could have theirs. If it were not for the fact that Alaska and Hawaii had become states, it would be easy now for Oklahoma and also

Oregon and probably Connecticut to get their additional congressmen. Why not add a member or two?

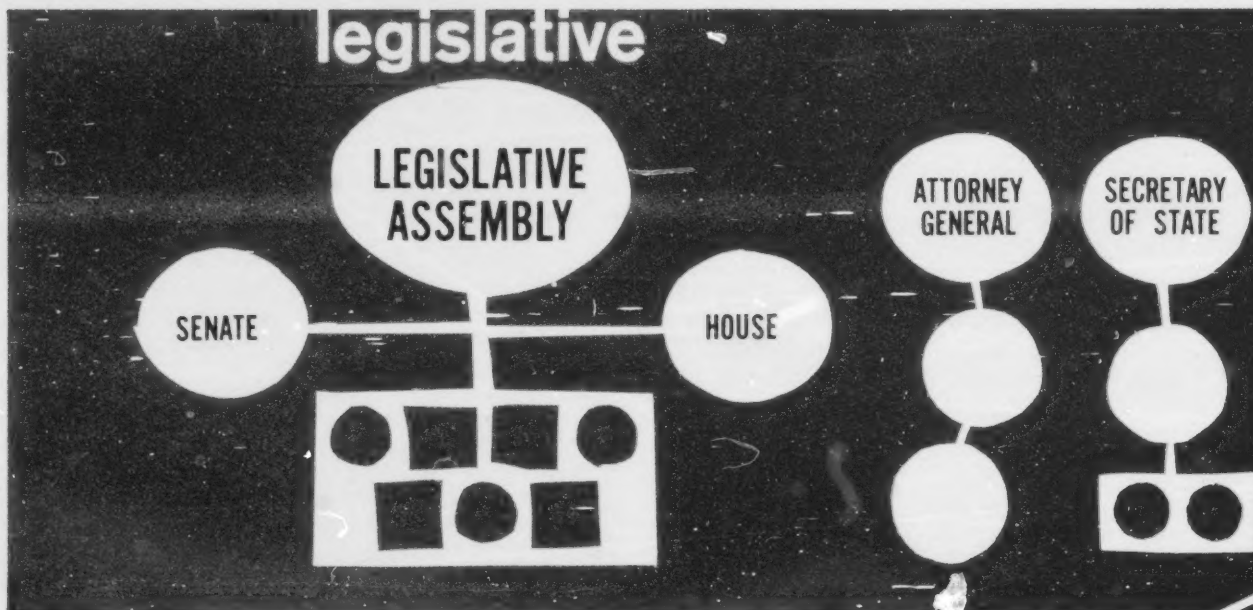
The Census, and that the apportionment of congressmen, reflects not actual population figures, but the Census count at a particular time, perhaps as much as 10 and a half years earlier. It would, in borderline cases, seem reasonable to project the likely population increases and decreases in the coming decade.

The national growth rate in the past decade was about 13 per cent. Oklahoma's was about 9 per cent, Oregon's 10 per cent and Connecticut's 10 per cent. Montana, a state that might lose, gained only 2 per cent and South Dakota lost 2 per cent. Again, fairness seems to dictate that apportionment consider the future as well as the past.

Another matter: Soldiers overseas are counted as residents of the "state of origin." But soldiers stationed in the United States are counted as living in the states where they are stationed. This works to the advantage of states like California and Texas with their large military installations.

It works against non-defense states like Oregon. Yet, it is ridiculous to say that a Marine in San Diego belongs for three months to only a resident of California. In a few months he'll be elsewhere.

Oregon deserves that fifth representative. The lack of 250 residents, by Census count, should not stand in the way. The 435 decision of "a hipness" should be revised.



lines of inquiry

The notion of separation of powers is a good "advance organizer" for understanding government structure, both horizontally (executive, judicial, legislative) and vertically (local, state, federal). However, the really important concept is not how government components are separated, but rather how they overlap and mesh in a political tangle that hopefully delivers worthwhile services.

action ideas

Resources

Oregon Blue Book, Oregon Secretary of State's Office, Salem, Oregon, Biennial. (Also available from the Documents Clerk, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310.)

Know Your State, League of Women Voters, 1730 M Street NW, Washington, D.C. 20036, 1967.

Slide Program for Youth, Color, grades 1-6. Shows various governmental buildings. Available from League of Women Voters of Oregon, 275 East 7th Avenue, Eugene, Oregon 97401.

supporting information

state

THE NATURE OF STATE RESPONSIBILITIES AND POWERS*

The powers which Oregon's constitution gives to state and local governments are largely based on the Tenth Amendment to the United States Constitution which declares that the powers not delegated to the federal government by the Constitution, or prohibited by it to the states, are reserved to the states respectively, or to the people. In other words, the drafters of the United States Constitution delegated to the federal government those powers which experience under the Articles of Confederation had

*Based upon *Background Information on Local Government in Oregon*, compiled by the Bureau of Governmental Research and Service, University of Oregon, 1967.

utive

judicial

GVERNOR
REGION

STATE
TREASURER

SUPT.
OF PUBLIC
INST.

LABOR
COMM.

SUPREME
COURT

OFFICE
THE
GVERNOR

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government framework

demonstrated to them that states could not perform properly for themselves. In this category were included:

- (1) Powers of defense
- (2) Conduct of foreign relations
- (3) Domestic matters which involve a national interest or transcend the boundaries of individual states; e.g., interstate commerce, standards of weights and measures, full faith of credit—(Art. IV).

The states, on the other hand, were governments possessing the residual powers which could be determined by a sort of process of elimination. If a given power were neither granted to the federal government nor denied to the states, it was assumed that it belonged to the states. In this category were included:

- (1) Powers to preserve public peace
- (2) Provision of public schools
- (3) Control of local governments and responsibility for establishing their taxing authority.

However, since the 1930's there has been a rapid expansion of the federal role in the total governmental picture, largely through the increase in financial aid to state governments, which does not come without new requirements and procedures. Today, a kind of "cooperative federalism" exists in which federal, state, and local governments share, and will continue to share, responsibility for many governmental functions, which include:

- (1) Air and water pollution control
- (2) Construction and maintenance of highways, roads, streets
- (3) Police services
- (4) Administration of justice
- (5) Public health and welfare
- (6) Education
- (7) Consumer protection
- (8) Natural resource management

lines of inquiry

Students need to see the relationship of the executive, legislative, and judicial functions, as outlined in this section. However, studying the structure and function of the legislative branch should not be an end in itself. Rather, such knowledge is the essential undergirding for effective understanding of the political processes which condition legislative outcomes, as discussed in Parts I, II, and III.

action ideas

Simulated Legislative Assembly. Students can investigate the lawmaking procedure by simulating a mock legislative assembly (either as Senate or House of Representatives), and discover many factors that affect the passage of legislation.

- (1) Obtain and discuss an organization chart showing the structure of either branch of the legislature. Look for committees and leaders.
- (2) Investigate the political make-up and county or district representation in the committees.
- (3) Research information about the legislative delegation from your district or county.
- (4) Investigate the political party make-up of the legislature.
- (5) Divide the class. Each student to be a representative of a different district or county.
- (6) Determine the number and names of the committees you wish to have.
- (7) Assign members to the most appropriate committees.
- (8) Select officers according to the procedures learned.
- (9) Propose or amend bills in each committee.
- (10) Debate bills before entire body. Encourage students to vote according to what they believe are the best interests of the districts and parties they represent.

Resources

Lawmaking Process. Film: 28 minutes. A look at Oregon's government. *\$2.25.

A Handbook on the Oregon Legislature. Oregon Legislative Council Committee 410 State Capitol, Salem, Oregon 97310. Biennial. \$1.

State Legislature. Film: 18 minutes, color, grades 4-14. How a law is passed. *\$6.50. Also available from Academy Films, Inc., 748 N. Seward Street, Hollywood, California 90038.

Legislative Process. Film: 28 minutes, black and white, grades 7-14. Outlines processes of the two houses in committee and general sessions. *\$5. Also available from Indiana University Audio-Visual Center, Field Services Department, Bloomington, Indiana.

Oregon's Legislative Future, 1968: Report to the Fifty-fifth Legislative Assembly. Advisory Committee on the Oregon Legislature, Room 124, State Capitol, Salem, Oregon. 1968. (Available from State Library.)

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

functions

ESTABLISHING PUBLIC POLICY: A LEGISLATIVE FUNCTION

Except where otherwise noted, the source for the information which follows is the *Handbook of the Oregon Legislature* prepared by the Joint Committee on Rules and Regulations, which covers all aspects of the organization and procedures of the Legislative Assembly.

Nature of Legislative Responsibilities and Powers. The legislature is an integral part of the process of proposing, deliberating, and setting public policy. In addition to its law-making function, the legislature has political and "check-and-balance" functions. Oregon's Legislative Assembly:

- (1) Provides an arena for the resolution of group conflict and the expression of public grievances. This function is often performed without the enactment of any legislation.
- (2) Influences certain decisions of the executive and judicial branches of state government, as well as county, city, and school district government.
- (3) Confirms appointments by the Governor to certain offices specified by law.
- (4) Elects a governor in the event of a tie vote.
- (5) In cases of treason,

of state government

grants pardons or reprieves, commutes, or directs the execution of sentences.

(6) Has the power to call a convention to revise the state constitution.

(7) Creates and defines the authority of administrative units of government at local, county, and state levels.

(8) Has the power to ratify proposed amendments to the United States Constitution.

The Legislative Assembly might also be described as the state's board of directors, responsible for general revenue business in the billions of dollars. In making decisions to run the business, the legislators will consider about 1,500 bills and, *relying largely on the recommendations of its committees*, will enact about half of them.

Oregon's legislature does not exercise exclusive control over the law-making function. A former Legislative Counsel listed the following ways in which legislative authority is shared in Oregon.*

(1) At the state level, the legislature shares authority with the people. In 1902 the Oregon electorate overwhelmingly approved a ballot measure known as the "Initiative and Referendum Amendment," and in 1908 a second constitutional amendment, "Recall Power on Public Officials." Oregon was among the very first states to adopt all three popular legislative tools; and since 1902, the people have used the initiative petition over 200 times. The referendum has been invoked around 50 times. The recall, a powerful instrument, has had limited application in Oregon on the state level. (For the procedures of initiative, referendum, and recall, see page 261.)

(2) The power of referendum places a major limitation on the state legislature that is unique to Oregon. The Oregon Constitution prohibits the legislature declaring an emergency in any act regulating taxation or exemption. Because all acts not containing an emergency clause are

subject to referendum, tax programs and biennial appropriations can be suspended if five percent of the legal voters file referendum petitions within 90 days following adjournment. For example, a referendum was submitted to the people in 1963 which would have increased personal income and corporation excise taxes so as to raise approximately \$50 million more from these sources. At a special election following adjournment of the 1963 Legislative Assembly, the measure was not approved. The Governor convened a special session and legislation reducing expenditures was enacted.

(3) At the local level, the legislature shares its authority with the cities, all of which possess constitutionally granted home-rule authority and, since county home rule was constitutionally authorized in 1958, with counties that have adopted the home-rule charter.

(4) The authority of the legislature over judicial officers is somewhat limited. It cannot affect a judge's term of office or reduce his salary during his term. The limitations are intended to preserve the independence of the judiciary, because the courts not only must interpret legislative intent in particular situations, but also are often required to examine state laws to determine whether they are constitutional.

(5) The Governor has veto power over legislation and can call a special session of the legislature, although he cannot limit the subjects which the legislature may discuss at such a session or regulate its duration. The Governor is expected to make recommendations to the legislature concerning the operation of state agencies, including budget proposals.

(6) The fact that more than half of Oregon's land area is owned by the federal government limits legislative power somewhat. For example, federally owned land cannot be taxed or subjected to zoning regulations.*

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*Haley, Sam R. *The Oregon State Legislature*. Mimeographed paper, 1966. (Out of print).

*However, Congress has provided for payments in lieu of taxes and federal agencies often comply with local zoning as a matter of policy, or in some cases by virtue of federal statutory provisions.

lines of inquiry

Students should be aware of the limitations placed on legislative authority and discuss such questions as: Would it be better to "unshackle" the Legislative Assembly from the restrictions under which it must operate? What could be expected to result in terms of action on matters of environment and taxation if this were done? Why isn't it sufficient that legislators must stand for election every two or four years, without also subjecting them to additional controls such as the referendum?

It is also important for students to understand the many ways the legislature has to exercise control over the activities of administrative agencies, including control of agency budgets (discussed in Part II). They should discuss such questions as: If the three branches of government are supposed to be "co-equal," why should the legislative branch have these special oversight powers?

action ideas

Interviewing Officials. Students might talk to an Oregon legislator from their own legislative district and report to the class on his role in the legislature, what committees he served on during the last session, and to what interim committees, if any, he is now assigned. They should try to get his reactions to one or more controversial issues which were facing the last session of the legislature and find out how he voted on these issues. Compare the legislator's views with those of various members of the class and speculate on the reasons for any differences of opinion.

Resources

Legislative Study Kit. A kit of transparencies, pictures, maps, a filmstrip and tape on the Oregon Legislature and State Capitol. Oregon State Library, Salem, Oregon (no charge for loan). \$115. Also available from Marion County I.E.D., 681 Center Street, Salem, Oregon 97301.

Heard, Alexander, Ed. *State Legislatures in American Politics*. Spectrum Books. Prentice-Hall, Englewood Cliffs, New Jersey. 1966. \$1.95 (Paperback)

Oregon State Legislature. Comprehensive Study of Marion County I.E.D., 681 Center Street, Salem, Oregon 97310. 25 cents.

supporting information

(7) Another universal, and often troublesome, limitation on legislative authority is the general prohibition against delegation of legislative authority. The degree to which, within constitutional limits, state agencies may administer and execute legislative policy without specification of details in the enabling legislation is a question constantly confronting a state legislature.

The *Handbook on the Oregon Legislature* points out that the administrative process begins with the enactment of some proposed solution to a public problem in the form of a statute. Many statutes designate administrative agencies to administer them and give rule-making authority because statutes can rarely cover every detail. But the legislature needs to know whether agencies make unusual or unexpected use of the powers delegated to them, and it needs to know whether its policy decisions, embodied in its statutes, actually meet the needs they were intended to meet. Sometimes agencies report needed changes in the statutes; sometimes interest groups report dissatisfaction over the administration of a statute. Individuals who have encountered difficulty may complain to their legislators.

However, in 1963 the legislature adopted (over the Governor's veto) another means of keeping informed—review of administrative rules by the Legislative Counsel Committee. This committee, upon

request, reviews an administrative rule to determine (1) whether it is within the intent and scope of the enabling legislation, (2) whether it has been adopted in accordance with all applicable provisions of law, and (3) whether constitutional provisions have been observed. The committee has no authority to revoke, modify, or suspend the operation of any rule.

How the Legislature Functions. Oregon has a two-house, or bicameral, legislature whose 30 senators and 60 representatives are elected by the people. Both houses have essentially the same powers, except that only the House of Representatives has the power to introduce legislation affecting taxation and exemption, and only the Senate has the power to confirm gubernatorial appointments (See also page 250.)

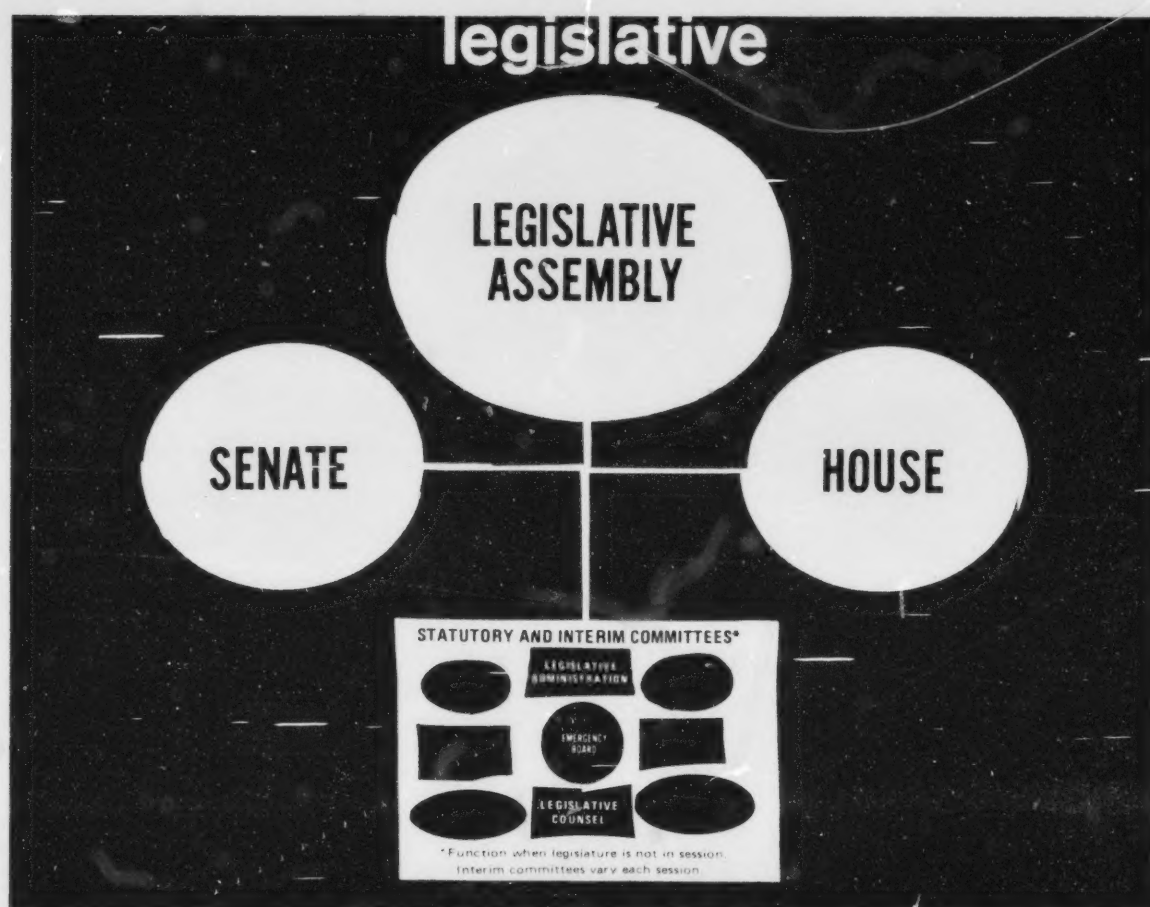
Providing Equal Representation. In order to gain a real understanding of the structure of the

legislative branch it is necessary to understand the thorny problem of apportioning legislative districts to achieve representative government.

Oregon's constitution requires that seats be apportioned by the legislature according to population after each federal census, and the constitution was amended by initiative in 1952 to incorporate enforcement provisions. If the legislature fails to reapportion, or if its reapportionment does not meet constitutional requirements, the Oregon Supreme Court is authorized to direct the Secretary of State to draft a reapportionment measure which does comply.

However, as the following description of Oregon's reapportionment problems indicates, few issues arouse such heated partisanship, or are put off more often. Oregon went 40 years without following the state's constitutional man-

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Resources

Neuberger, R.L. *Adventures in Politics: We Go To The Legislature*. Oxford University. 1954.

Man in the Middle: The State Legislator. Film: 25 minutes, black and white, grades 10-adult. Sophisticated look at pressures on today's state lawmakers. *\$5. Also available from McGraw-Hill Films, 530 W. 42 Street, New York, N.Y. 10036.

Lawmaking in the West. Council of State Governments, 211 Sutter Street, San Francisco, California 94108. 1967. \$3.

1970 Census of Population: Oregon General Population Characteristics. United States Department of Commerce, Bureau of the Census, Washington, D.C. 20233. January 1971.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

date to reapportion after each census. It was only after the 1952 amendment provided for enforcement that a formula was developed that was considered the best in the nation for a few short years:*

"In 1961, the legislature's plan for reapportionment was thrown out by the Oregon Supreme Court and the Secretary of State had to draft a plan which today is patently unconstitutional. Oregon's formula provides that the total population of the state be divided by the number of senators and representatives. Thus, if the 1970 population of approximately 2,100,000 is divided by 30 senators and 60 representatives, one senator should represent and be elected by approximately 70,000 people, and one representative should represent and be elected by approximately 35,000 people.

"But this plan is not as simple as it sounds. Oregon's constitution provides that two or more counties may be combined to achieve a senatorial district, but a county may not be divided and a piece of one added to another to encompass the required 70,000 people, and Oregon's population isn't equally divided into neat little 70,000 population counties. As a result, Multnomah County has eight senators with a population of about 550,000, but Josephine County has one senator, and with a population of only 36,000, has about half the required number per senator.

*From a speech by Clay Myers, Oregon Secretary of State. 1970.

"This brings the State of Oregon into direct conflict with the U.S. Supreme Court ruling on 'one man, one vote,' and with subsequent rulings that even minimal variances are not justified, even if they result from a state's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing county, municipal, or other political subdivision boundaries.

"In 1970, Oregon had the worst apportionment in the nation. Not only did its nondivisible county provisions throw it in direct conflict with federal court holdings, but also its lack of sub-districts caused other problems. For instance, seven or eight of Lane County's nine members lived in Eugene, which only had 36 percent of the county population; people from the west side of Portland elected five or six of eight senators, even though population only entitled them to one and a half*; racial minorities were excluded in Portland because the Albina district was split between two legislative sub-districts; Democrats could not win Washington County in either house; Republicans could not win in Multnomah County if they ran for the senate.

"Following important federal court rulings in April, 1969, the Secretary of State issued a statement drawing attention of the legislature to the above untenable Oregon situations and urged that action be taken. It was late in the legislative session, however, and presiding officers felt it would be unwise to open up the problem. It was decided to delay any action and hope that no one would challenge the existing apportionment in court. No one did challenge it, but finding a workable plan is deemed absolutely mandatory in 1971, and the legislature has four alternatives:**

- (1) Ignore the state constitution, follow federal court rulings, and split up counties, anticipating a suit in the Oregon Supreme Court.
- (2) Apportion along county lines, ignoring federal court holdings and following state constitution requirements, anticipating a federal court test that would surely overturn the action.
- (3) Early in the session call a special election to amend the state constitution to conform with federal requirements; hold the election during the session; pass a measure consistent

*Offices in Lane County and Portland were elected at large.

**Because the 1971 Legislative Assembly could not agree on a reapportionment plan, it became the Secretary of State's responsibility.

with the new amendment.

- (4) Attempt to reconcile the state constitution and federal court requirements, putting together grotesque combinations of counties.

ONE MAN ONE VOTE

The system of apportionment—one man, one vote—which Oregon and all other states must follow, is described in the following statement excerpted from the majority opinions of the U.S. Supreme Court in *Baker vs. Carr* (1962) and *Reynolds vs. Sims* (1964). *

"The conception of political equality from the Declaration of Independence to Lincoln's Gettysburg address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote. . . .

"We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.

"The fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a state. . . . Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. . . . It is inconceivable that a state law to the effect that, in counting votes for legislators, the votes of citizens in one part of the state would be multiplied by two, five, or ten, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable.

"Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical. . . . The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the state. Two, five, or ten of them must vote before the effect of their voting is equivalent to that of their favored neighbor."

Alternatives.**In a series of opinions, the United States Supreme Court has declared it unconstitutional for a state to give consideration to any of the following in establishing legislative districts:

- (1) History
- (2) Economic or other sorts of group interests
- (3) Area
- (4) Geographical considerations
- (5) A desire to insure effective representation for sparsely settled areas
- (6) Availability of access of citizens to their representatives
- (7) Theories of bicameralism (except those approved by the court)
- (8) Occupation
- (9) An attempt to balance urban and rural power
- (10) The preference of a majority of voters in the state

Opponents of the above proposals for "functional" representation argue that they grossly oversimplify the group structure of society and neglect the phenomenon of overlapping membership. Distribution of seats according to any of these functional proposals would have to be relatively arbitrary and even if this difficulty were surmounted, the resulting scheme would freeze the patterns of access and confine them to groups recognized in the apportionment. The ambiguities of the present system at least allow representatives to change as the complexions of their constituencies change.

*It should be noted that litigation challenging the constitutionality of state legislative apportionment schemes was instituted in at least 34 states within nine months of the *Baker vs. Carr* decision.

**Truman, David B., *The Governmental Process*. Alfred A. Knopf, New York, N.Y., 1955.

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ACT. A bill which has passed both houses of the legislature, has been submitted to the Governor, and has not been vetoed. A law, or statute.

ADJOURNMENT. There are two types of adjournment of the legislature — adjournment to a time certain (daily session to daily session) and adjournment sine die (final adjournment). One chamber, without the concurrence of the other, cannot adjourn for more than three days. A motion to adjourn is always in order and is not debatable. By custom the member of a chamber senior in service makes the motion for daily adjournment. The constitution only requires biennial sessions; the legislature sets its own dates for convening and adjourning. (See also "Session.")

ADVANCE SHEETS. A series of pamphlets printed during the session of all acts which are passed, in their final form. These are a preview of a later hardbound publication referred to as the "Session Laws," and are intended to inform the public of legislation enactments as fast as possible. Advance sheets are distributed by the Legislative Counsel, which charges \$5 for the complete series.

APPROPRIATIONS. Bills requiring public financing such as bills providing funds for operation of state agencies. Almost always, such bills are referred to the Ways and Means Committee, and they usually originate in the House of Representatives.

ASSEMBLY. (See "Legislative Assembly.")

BAR. The Oregon State Bar. (See section on the judicial branch in this handbook.) A team of Bar members (lawyers) maintains an office in the Capitol during the legislative session to aid any legislator or committee with the drafting of bills, amendments, etc.

BAR OF THE HOUSE. The waist-high structure enclosing the official section of each chamber where members sit. Only authorized personnel are allowed within this enclosure when the legislature is in session, and all voting must be done within the enclosed area.

BILL. A properly printed document proposing new law or amendments to existing Oregon Law. Also called a "measure," a "resolution," a "memorial." Copies of bills may be obtained from the "Bill Room" in the Capitol. In the past, it has been possible to obtain up to 20 copies of a bill at no charge.

BILL INDEX. Each Monday legislators receive copies of a cumulative index to legislative measures previously introduced. It is prepared by the Legislative Counsel and is available to the public through the Bill Room in the Capitol, or through individual legislators. There is no charge.

CALENDAR. A publication listing all measures before each house in numerical order and recording the action taken to date; published daily and cumulated weekly. During the session it is available to the general public in the Bill Room at the Capitol. The final calendar is a recap of all action taken, including all measures introduced, their disposition, action taken by the Governor, names and addresses of members, etc. Requests for copies of the final calendar should be made through a legislator. There is no charge, except for postage.

CALENDAR CLERK. An employee in each house, appointed by the members, who is responsible for preparing, and publishing the calendar.

CALL. A "call of the House" or a "call of the Senate" requires attendance of all members. When either house is getting ready to vote on a proposal, the presiding officer, if requested to do so by two members, sends out a "call." The Sergeant at Arms is responsible for finding any missing members. When there is a "call," voting is held up until all members are present.

CAUCUS. A political meeting of legislators, in one house or both, to select majority or minority leaders and to decide questions of policy regarding the proposed legislative program. Caucuses may be held prior to the opening of or during a session. The caucus of the members of the majority (or coalition) party in each house meets at the beginning of a new session to organize each house — select the officers, employees, and committee members. This is possible because members of a caucus pledge their votes. (Minority members have little to say in such matters, but they do caucus to put up a slate of candidates for standing committee assignments.)

CERTIFICATE OF ELECTION. Official notice that a candidate has been elected; issued by the Secretary of State.

CHIEF CLERK OF THE HOUSE. The person responsible for the Desk personnel and for handling administrative detail under the supervision of the Speaker of the House. This person is not a member of the legislature and is elected by the majority (or coalition) party members of the House; he is a salaried employee.

CLOTURE RULE. The rule limiting the length of time a member may have the floor in debate.

COALITION. An alliance of members of two political parties for the purpose of gaining enough votes to organize and administer the House or the Senate.

CODE. Body of laws, such as the *Oregon Revised Statutes*, or a section within a total body of laws, which deals with a particular subject; e.g., the Criminal Code.

CODIFICATION. The systematic arrangement of laws in the *Oregon Revised Statutes* by the staff of the Legislative Counsel. (See also "Editing.")

COMMITTEE OF THE WHOLE. Each house may form a committee of the whole — that is, all the members present on the floor become a single committee. In such cases the presiding officer leaves the chair and appoints another member as chairman of the committee of the whole. The primary reason for the formation of a committee of the whole is probably the consideration of a legislative measure or matter under the less formal procedures of committee action. However, the committee of the whole is a time-consuming device and is very rarely used.

CONCURRENT RESOLUTION. Used for matters affecting the operations and procedures of the legislature, such as joint sessions, appointments of joint committees, adjournments, and for commendation and expressions of sympathy and condolence.

CONFERENCE COMMITTEE. A temporary committee made up of two members of each house to reach a compromise on changes in a bill that has passed both houses, but has been amended by one of the houses before passage: the committee attempts to prepare a version of the measure acceptable to both houses.

CONSTITUTIONAL AMENDMENT. A proposal, in the form of a joint resolution, for an amendment to Oregon's Constitution. If the resolution passes both houses, it is referred to the people for their approval or rejection at a general or primary election. The Governor cannot veto a resolution.

DESK. The Desk is comprised of a Journal Clerk, a Calendar Clerk, and a Reading Clerk. Both the House and the Senate have a "Desk."

DIGEST OF OREGON LAWS. A pamphlet published by the Legislative Counsel immediately following the closing of a session, giving a "thumbnail sketch" of all areas of law affected by action of the legislature at that session. It may be purchased through the office of the Legislative Counsel in the State Capitol for \$1.

EDITING. The act of reviewing measures passed and placing them in their proper places in the *Oregon Revised Statutes*. (See also "Codification.")

EFFECTIVE DATE. The date on which a measure would take effect. Unless otherwise stated in the measure, all approved legislation becomes effective 90 days after the end of the session. However, a bill may carry a later effective date, such as a year or more. It may also carry an earlier effective date, for

which an emergency clause is required. (See also "Emergency Clause.")

EMERGENCY BOARD. A committee of legislators authorized by the constitution and created by statute with the power to reallocate agency budget funds or use special emergency funds to solve pressing financial problems which arise between legislative sessions. This committee functions only during the interim between sessions.

EMERGENCY CLAUSE. A clause added to a bill which would cause it to go into effect before the statutory 90-day limit. Every bill which carries the emergency clause refers to it in the title. The clause reads: "This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect upon its passage" (or sooner than 90 days). This clause may not be used on tax measures because it would prevent a referral to the people. (See also a narrative discussion of the emergency clause in this section.)

ENGROSSED BILL. A bill which has been reprinted to include all amendments proposed by the committee to which it has been assigned. Amendments are written in longhand so members can find and analyze the effect of proposed amendments to the original measure.

ENROLLED BILL. A bill which has passed both the Senate and the House and is printed, ready for the signatures of the presiding officers and the Governor. When these signatures are affixed, it goes to the Secretary of State to be given a session law number and permanently filed.

EXECUTIVE APPOINTMENTS COMMITTEE. A statutory committee of senators that confirms executive appointments made when the legislature is not in session until such time as the Senate itself can act.

EXECUTIVE SESSION. A committee session from which the public is excluded. (This is rare.)

EXPLANATION OF VOTE. Any member of either house has the right to explain his vote on a measure, and have his explanation entered on the *Legislative Journal* as a permanent record. The constitution refers to this procedure as a "Protest."

FIRST READING. (See "Reading Clerk.")

FISCAL. Matters relating to money, public funds, or revenues.

FISCAL YEAR. The period from July 1 through June 30. Legislative appropriations are generally for one or two "fiscal years" and, as a result, agency budgets and annual or biennial reports

are prepared for fiscal rather than calendar years.

HOUSE. Usually means the House of Representatives, but may also refer to the Senate when speaking of "either house."

INTERIM COMMITTEE. A legislative committee which serves between sessions. It is formed by a resolution passed by both the House and the Senate; funds come from appropriation by the legislature. Interim committees are usually formed for the purpose of studying particular problems and preparing appropriate legislation for the next legislative session.

INTERSTATE COOPERATION COMMITTEE. A statutory committee of legislators in each house. These two committees, together with the Governor's Committee on Interstate Cooperation, constitute the Oregon Commission on Interstate Cooperation. It is the function of this commission to "do all such acts as will, in the opinion of the commission, enable this state to do its part, or more than its part, in forming a more perfect union among the various governments in the United States, and in developing the Council of State Governments for that purpose."

JOINT COMMITTEE. A committee made up of members of both the House and the Senate, such as the Joint Ways and Means Committee.

JOINT MEMORIAL. Ordinarily used to make a request upon, or an expression of opinion to, Congress or the President of the United States, or both. It is used when both chambers join in the request or expression of opinion.

JOINT RESOLUTION. Used to propose constitutional amendments, create interim committees, give directions to a state agency or officer, express legislative approval or commendation of action taken by someone else, or authorize some type of temporary action to be taken. A joint resolution may also authorize expenditures out of the legislative expense appropriations, but may not itself appropriate money.

JOINT WAYS AND MEANS COMMITTEE. A statutory committee of seven members of each house whose function is to investigate the management of state agencies and institutions supported by state moneys. The investigation is done in connection with the appropriation bills, which are all referred to this committee. Seldom does the legislature overrule a Ways and Means Committee recommendation.

JOURNAL. The legislative "diary" published after the end of each session. It is a complete record of the proceedings of a legislative session. A bound volume is kept in the Secretary of State's office

and can be read by any citizen. Unbound copies (limited printing) are also available at approximately \$20 per copy.

JOURNAL CLERK. An employee in each house, appointed by the members, who keeps the daily *Journal* and prepares the final *Journal* for publication.

LAW IMPROVEMENT COMMITTEE. A statutory committee of legislators which conducts a continuous substantive law revision program and recommends to the legislature changes which eliminate defects and inequitable rules of law and bring the law into harmony with modern conditions.

LEGISLATIVE ADMINISTRATION COMMITTEE. A statutory committee—the two presiding officers, the chairmen of the Joint Ways and Means and Senate and House Rules Committees, and the majority and minority leaders—which appoints a Legislative Services Administrator to carry out its responsibilities, including coordination or control of work flow, style of legislative publications, rules and procedures, application of technological changes and improvements, orientation activities, space and facilities, accounting, supplies, records, and research. The committee is also a clearinghouse for inquiries from other states, members of the legislature, and the general public.

LEGISLATIVE ASSEMBLY. The law-making body of Oregon government, consisting of a 60-member *House of Representatives* and 30-member *Senate*. The Legislative Assembly—the legislature—is the branch of government most specifically designed to represent and respond to the wishes of the people and is an integral part of the process of proposing, deliberating, and determining public policy. (See narrative discussion in this section.)

LEGISLATIVE COUNSEL. The executive officer (not a legislator) of the Legislative Counsel Committee who maintains offices and staff in the Capitol on a year-round basis.

LEGISLATIVE COUNSEL COMMITTEE. A statutory committee that is the policy-making body for the office of the Legislative Counsel. The primary responsibilities of this committee include: preparing legislative measures; editing, publishing and distributing the *Oregon Revised Statutes*; publishing and distributing the *Session Laws* and the *Senate and House Journals*; performing research services when requested by any committee of the Legislative Assembly or by joint or concurrent resolution; participating in legal proceedings necessary to protect the official interests of the Legislative Assembly, its committees, or its members; reviewing administrative rules when requested; and registering all lobbyists.

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LEGISLATIVE FISCAL OFFICER. The executive officer (not a legislator) of the Legislative Fiscal Committee. His main responsibility is maintaining a line of fiscal communication between the Legislative Assembly, the Department of Finance, and the operating agencies of the executive branch.

LEGISLATIVE IMMUNITY. A legislator is protected by the constitution from being prosecuted for defamation in connection with any words he utters in legislative debate.

LEGISLATIVE SERVICES ADMINISTRATOR. (See "Legislative Administration Committee.")

LEGISLATOR. A member of the Legislative Assembly, elected by the voters of legislative district. A senator serves a term of four years; a representative serves a two-year term. Every legislator must be at least 21 years of age, a United States citizen, a resident of his legislative district for one year. However, if he is elected from a subdistrict, he need not reside in the subdistrict. During the legislative sessions he has legislative immunity, and except in cases of treason, felony, or breach of the peace, he is privileged from arrest or any civil process. He receives a salary of \$262.50 per month and during a session an expense allowance of \$25 per day. He also receives \$125 a month for such expenses as postage, telephone, travel, and office rent incurred during the period between sessions.*

LOBBYIST. The First Amendment of the United States Constitution establishes the right of the people to petition the government for redress of grievances. The lobbyist exercises this right by attempting to convince legislators to introduce or vote for measures favorable to the special interest group he represents, or to vote against measures which are contrary to his interests.

MAJORITY LEADER. The floor leader (a legislator) of the majority party, whose duty is to manage his party on the floor of the House or Senate. He is a strategist, responsible for assuring that members of his party vote according to decisions made by the party caucus.

MAJORITY REPORT. The recommendation of the majority of the members of a standing committee concerning action the Legislative Assembly should take on a specific measure. (See also "Minority Report.")

MAJORITY WHIP. A legislator who serves as an assistant to the Majority Leader. The "Whip" must canvas party members on a bill and keep the Majority Leader advised of how party members will vote.

MEASURE. A bill, resolution, or memorial which will become an act upon

passage by both houses and approval by the governor.

MEASURE SUMMARY. A brief (usually one- or two-sentence) description of a measure appended to the typed or printed copy as a cover page.

MEMORIAL. A measure, or bill, passed by either house, or jointly by both houses, which is an expression of opinion to the President, to Congress, to some national board or commission, or to another state legislature, on programs affecting this state.

MINORITY LEADER. The floor leader (a legislator) of the minority party, with the same responsibilities as the Majority Leader.

MINORITY REPORT. A written report and recommendation to the Legislative Assembly by the members of a standing committee who oppose the majority recommendation of that committee on a measure sent to either house for consideration.

MINORITY WHIP. A legislator who serves as an assistant to the Minority Leader, with the same responsibilities as the Majority Whip.

NO RECOMMENDATION. A statement from a standing committee that it makes no recommendation on a measure assigned to it for consideration as to passage. (Rare)

OREGON REVISED STATUTES. The official compilation of the laws of the State of Oregon. After each session of the legislature the new laws and amendments to existing laws are incorporated into ORS. The Legislative Counsel is responsible for fitting the new laws into the existing statutes, and for renumbering them accordingly. (See "Codification" and "Editing.")

OVERRIDING A VETO. If both houses of the legislature (by a two-thirds margin) vote for passage of a bill that has been vetoed, the bill becomes law without the approval of the Governor. A bill which has passed and been vetoed during the session can be reconsidered during that same session. A bill vetoed after the end of the session is the first order of business at the next session.

PAGE. The primary purpose of a page is to run errands and otherwise aid the senator or representative who employs him. A page is appointed by the members of the Senate or House and a person wishing to become a page must be sponsored by a legislator. These are patronage jobs, traditionally controlled by the majority party in each house.

PETITION. Any private citizen or group of citizens may petition the legislature to change a law already in existence, or create a new law. A petition must be

introduced by a legislator acting on behalf of such citizen or group of citizens.

PRESIDENT OF THE SENATE. (See "Presiding Officers.")

PRESIDING OFFICERS. The President of the Senate and Speaker of the House. The presiding officers are elected by their respective bodies and are among the most influential legislators in the state. A presiding officer (1) appoints committee members, chairmen, and vice chairmen; (2) refers bills and other measures to committees; (3) controls and directs the use of rooms and other areas set apart for his house; (4) controls the employees of his house; (5) decides all questions of order, subject to appeal to his house; (6) preserves order and decorum and speaks on questions of order in preference to any other member; and (7) appoints certain employees of his house.

PRO TEMPORE. Each body has a presiding officer "pro tempore," but if the office of presiding officer becomes vacant, the members elect a new permanent presiding officer.

PROTEST. (See "Explanation of Vote.")

QUORUM. Presence of two-thirds of the members of a chamber. A quorum is required before either house can conduct official business.

RE-ENGROSSED. A bill which has been engrossed and then amended, necessitating incorporating the new amendments into the engrossed measure. (See "Engrossed Bill.")

READING CLERK. An employee in each house, appointed by the members, who is primarily charged with the responsibility of reading aloud all measures that are introduced for consideration. It is a constitutional requirement that each bill be read three times. The first reading acquaints members with the fact that such legislation is being introduced. The second reading takes place when the bill is assigned to a standing committee for study and recommendation, and the third reading takes place when the house is ready to debate and vote on the bill. Originally, only one copy of each bill was printed, and this necessitated the public reading. Today, the procedure is still followed, but upon a two-thirds vote of the house considering the bill, the constitutional requirement for a section-by-section reading can be suspended and the reading clerk can read only the measure number, title, and sponsors.

RECALL. A constitutional procedure by which voters may remove an official from office.

*See footnote, page 285.

REMONSTRANCE. An order of business in the Senate which allows a senator the opportunity to express his views.

REPRESENTATIVE. See "Legislator."

RESOLUTION. A measure, or bill, usually containing expressions of sorrow over death of a former member or public official; expressions of appreciation for special services; amendments to the legislative rules, etc. May be by either house, or joint concurrent. A resolution to adjourn sine die requires a concurrent resolution passed by both houses.

REVENUE MEASURE. A bill which raises funds through taxation. A revenue measure cannot contain an emergency clause and is frequently referred to the people. It must be introduced in the House of Representatives.

RULES. Each house follows Mason's *Manual of Parliamentary Procedure*, except that individual house rules apply in situations which are not covered by the manual. Copies of the rules of each house are distributed to legislators at the beginning of each session, but no provision is made for general public distribution.

SECOND READING. (See "Reading Clerk.")

SECRETARY OF THE SENATE. The person responsible for the desk personnel and for handling administrative detail under the supervision of the President of the Senate. This person is not a member of the legislature and is selected by the majority party members of the Senate.

SENATOR. See "Legislator."

SERGEANT AT ARMS. The person engaged with maintaining order in the chamber and performing such other duties as the House or its presiding officer may direct. The Sergeant at Arms is elected by each House.

SESSION. The length of time the legislature meets. Oregon's Legislative Assembly convenes in Salem on the second Monday in January of odd-numbered years and has no time limit set on its sessions. Regular sessions are fixed by statute. The Governor has the power to convene special sessions, if he deems it necessary. *

SINE DIE. The exact hour and date of the end of a session of the legislature. The term means "adjourned, with no time set for reconvening."

SPEAKER OF THE HOUSE. (See "Presiding Officers.")

SPECIAL COMMITTEES. Special committees function during the legislative session for single, specified purposes, and are sometimes appointed to handle details of special occasions.

SPECIAL INTEREST GROUPS. Any

group of persons working to introduce or secure passage or defeat of a bill in which they have a special interest.

SPONSOR. The legislator who introduces a measure. Most measures list several sponsors.

STANDING COMMITTEES. Those committees which operate in each house during a legislative session to study measures introduced and make recommendations to their respective houses concerning appropriate action.

STATUTE. (See "Act.")

STATUTORY AUTHORITY. Power, conferred by law, to perform a function or duty.

STATUTORY COMMITTEE. A permanent committee authorized by statute, as distinguished from an interim committee that functions only between the session at which it is created and the following session.

TABLE. The decision of a standing committee to put off considering a measure. Sometimes such a measure later is "removed from the table" and considered at a later date; sometimes it is "on the table" at adjournment.

THIRD READING. (See "Reading Clerk.")

VETO. The Governor's expression of disapproval of a measure that has been passed by the legislature and signed by the presiding officers. After a session has ended the Governor has 20 days to sign or veto bills passed during the session. If he does not veto a measure, even though he does not sign it, the measure becomes law without his signature. Oregon does not have what is called a "pocket veto," which allows a governor to veto a bill simply by failing to sign it.

VETO MESSAGE. A written report to the legislature by the Governor giving his reasons for disapproving a bill which he has vetoed.

VOTING. The Oregon legislature uses three methods — roll call, voice or standing, or unanimous consent. In most cases a majority vote is sufficient to pass or defeat a measure. No legislator may vote if he is not on the floor when the question is stated (Senate), or last name is called (House), unless unanimous consent is given for him to do so. A legislator who is on the floor at the time a question is put must vote, unless the chamber excuses him for special reasons. (See also "Call.")

WAYS AND MEANS COMMITTEE. (See "Joint Ways and Means Committee.")

WORKING SESSION. The meeting of a standing committee to discuss amendments and prepare committee reports. It is open to the public, but no testimony is taken.

THE NEED TO REVISE APPORTIONMENT

In order for students and teachers to be able to see the extent of previous deviation from the one-man-one-vote rule, and to enable comparison with the plan proposed by the Secretary of State and approved by the courts (pages 315a and 315b), a list of districts and their populations prior to the 1971 revisions is included below.

REPRESENTATIVE DISTRICTS

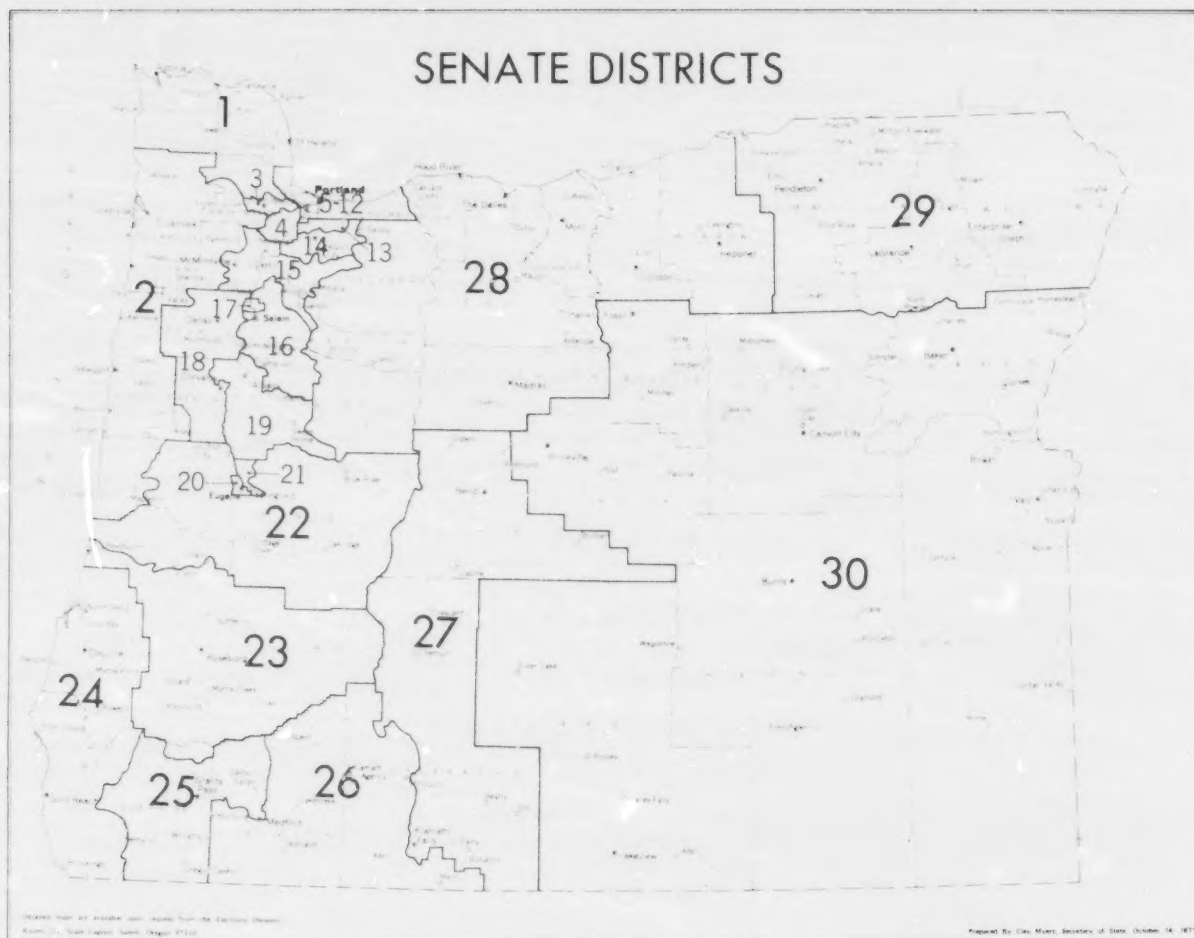
District	No. Legislators	Pop. (thous.)
1. Clatsop	1	28.5
2. Columbia	1	28.8
3. Tillamook	1	17.9
4. Washington	3	157.9
5. Yamhill	1	40.2
6. Multnomah	17	556.7
7. Clackamas	4	166.1
8. Lincoln	1	25.8
9. Polk	1	35.3
10. Benton	1	53.8
11. Marion	4	151.3
12. Linn	2	71.9
13. Lane	5	213.4
14. Lane, Benton, at large	1	
15. Douglas	2	71.7
16. Coos	1	56.5
17. Coos, Curry, at large	1	
18. Josephine	1	35.7
19. Jackson	3	94.5
20. Klamath	1	50.0
21. Crook, Desch., Jeff.	1	48.9
22. Hood River, Wasco	1	33.3
23. Umatilla	1	44.9
24. Union, Wallowa	1	25.6
25. Baker, Grant	1	21.9
26. Harney, Malheur	1	30.4
27. Klamath, Lake	1	6.3
28. Gill, Mor., Wheeler, Sher., Umatilla	1	10.8

SENATORIAL DISTRICTS

1. Marion	2	151.3
2. Linn	1	71.9
3. Lane	3	213.4
4. Douglas	1	71.7
5. Jackson	1	94.5
6. Josephine	1	35.7
7. Coos, Curry	1	69.5
8. Wash., Yamhill	1	40.2
9. Washington	1	157.9
10. Benton, Polk	1	89.1
11. Clackamas	2	166.1
12. Multnomah	8	556.7
13. Lincoln, Tillamook	1	43.7
14. Clatsop, Columbia	1	57.3
15. Klamath	1	50.0
16. Baker, Grant, Harn., Mal.	1	52.3
17. Umatilla, Union, Wall.	1	70.5
18. Gill, H. Riv., Mor., Sher., Wasco, Wheeler	1	44.1
19. Crook, Des., Jeff., Lake	1	55.3

*A 1971 proposed constitutional amendment would permit a majority to call a special session.

SENATE DISTRICTS



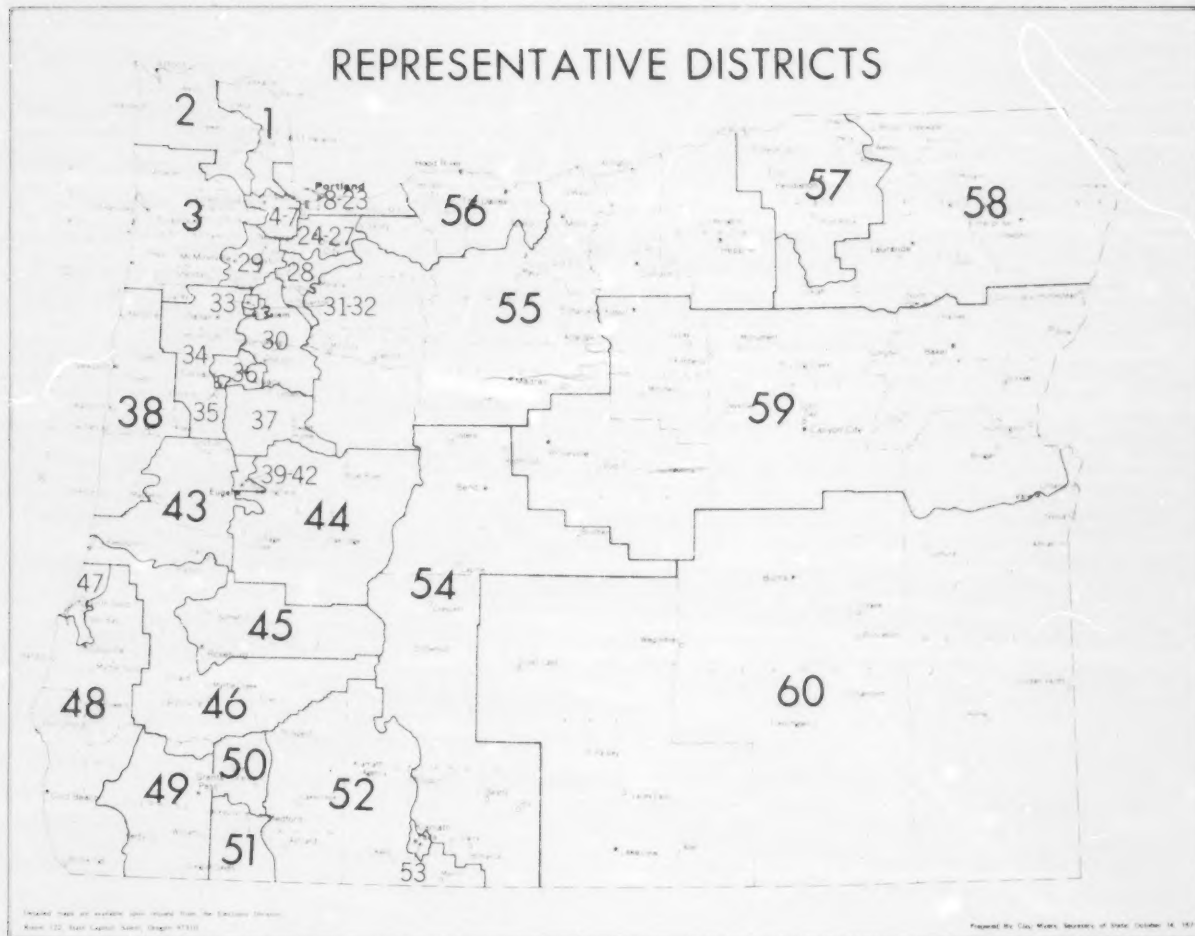
SENATORIAL DISTRICTS*

(One Senator elected from each district)

Population of Oregon: 2,091,385
Ideal District Size: 69,713

DISTRICT	COUNTY	POPULATION	DISTRICT	COUNTY	POPULATION
1	Col., Clatsop, Wa.	69,291	18	Benton, Polk	69,653
2	Benton, Lane, Linn., Polk, Till., Wa., Yam.	69,565	19	Benton, Linn	69,709
3	Washington	70,304	20	Lane	69,200
4	Washington	69,911	21	Lane	69,293
5	Multnomah	69,793	22	Douglas, Lane	69,332
6	Multnomah	69,655	23	Douglas, Josephine	69,701
7	Multnomah	69,477	24	Coos, Curry	69,521
8	Multnomah	69,566	25	Josephine, Jackson	70,070
9	Multnomah	69,428	26	Jackson, Klamath	69,826
10	Multnomah	69,487	27	Deschutes, Klamath	70,211
11	Multnomah	69,699	28	Clackamas, Gilliam, Hood River, Jefferson, Linn, Marion, Morrow, Sherman, Wasco	69,666
12	Multnomah	69,562	29	Umatilla, Union, Wallowa	70,547
13	Clackamas	69,844	30	Baker, Crook, Grant, Harney, Lake, Malheur, Wheeler	70,476
14	Clackamas	70,023			
15	Clackamas, Marion, Yamhill	69,560			
16	Linn, Marion	69,533			
17	Marion, Polk	69,482			

*Prepared by Clay Myers, Secretary of State, November 3, 1971.



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Population of Oregon: 2,091,385
Ideal District Size: 34,856

DISTRICT	COUNTY	POPULATION	DISTRICT	COUNTY	POPULATION	DISTRICT	COUNTY	POPULATION
1	Col., Wash.	34,662	25	Clackamas	34,963	50	Jackson	35,061
2	Clat., Col., Wa.	34,629	26	Clackamas	34,944	51	Jackson	34,959
3	Polk, Till., Wa.		27	Clackamas	35,079	52	Jack., Klamath	34,765
4	Yamhill	34,701	28	Clack., Marion	34,875	53	Klamath	35,103
5	Washington	35,198	29	Marion, Yam.	34,685	54	Desch., Klam.	35,108
6	Washington	35,106	30	Linn, Marion	34,871	55	Clackamas, Gill, Jeffer., Linn, Marion, Morr., Sherman, Wasco	35,033
7	Washington	34,822	31	Marion	34,662	56	Clackamas, Hood River, Wasco	34,633
8	Multnomah	34,773	32	Marion	34,931	57	Umatilla	35,230
9	Multnomah	35,020	33	Marion, Polk	34,551	58	Umatilla, Union	
10	Multnomah	34,884	34	Benton, Polk	34,714	59	Wallowa	35,317
11	Multnomah	34,771	35	Benton	34,939		Baker, Crook, Grant, Malheur	
12	Multnomah	34,825	36	Benton, Linn	34,747	60	Wheeler	35,284
13	Multnomah	34,652	37	Linn	34,962		Harney, Lake, Malheur	35,192
14	Multnomah	34,608	38	Ben., Lane, Linc	34,864			
15	Multnomah	34,958	39	Lane	34,626			
16	Multnomah	34,764	40	Lane	34,574			
17	Multnomah	34,664	41	Lane	34,613			
18	Multnomah	34,737	42	Lane	34,680			
19	Multnomah	34,750	43	Douglas, Lane	34,658			
20	Multnomah	34,936	44	Lane	34,674			
21	Multnomah	34,763	45	Douglas	34,858			
22	Multnomah	34,789	46	Doug., Joseph.	34,843			
23	Multnomah	34,773	47	Coos	34,750			
24	Clackamas	34,881	48	Coos, Curry	34,771			
			49	Josephine	35,111			

*Prepared by Clay Myers, Secretary of State, November 3, 1971.

lines of inquiry

The courts, both national and state, are fast approaching a crisis in applying justice. While students may wish to explore the problem in terms of the increased criminal behavior that is clogging the system, it should also be examined in terms of how efficiently the courts are organized and how well their function is defined. (See also page 79.) This requires a knowledge not only of structure and function, but of the system's theoretical foundations.

Students need to think about such questions as the following:

In exercising their basic function of interpretation, what criteria of judgment do the courts employ? Are they exclusively technical legal considerations, or do they extend into the area of social policy as well?

To the extent that court decisions are influenced by the political convictions and personal philosophies of the judges, is it proper to require that only persons with legal training serve as judges?

action ideas

Observing the Judicial System. Students might interview a local or a county judge of an Oregon court. (If possible, observe the process of citizen participation in the legal processes of our society by visiting the judge's court while a jury of local citizens is being selected.)

Students should determine how the courts help to serve society and how local citizens play a role in the determination of justice and fair play in the community.

Resources

Third Biennial Report. The Judicial Council of Oregon, Supreme Court Building, Salem, Oregon 97310, December 10, 1970. Contains recommendations of the council on such subjects as public defender, state financing of courts, electronic court reporting, credit for time in jail, etc.

The Supreme Court: Guardian or Lawmaker? Great Issues Series, Scholastic Social Studies Center, 904 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. 75 cents. (Paperback.)

Lloyd, Dennis. *The Idea of Law*. Penguin Books, Inc., 7110 Ambassador Road, Baltimore, Maryland 21207.

Recent Publications on Governmental Problems. Bibliography of current articles that pertain to a variety of subjects dealing with state and local government, law, taxes, etc. Published twice each month. Joint Reference Library, 1313 E. 60th Street, Chicago, Illinois 60637. \$10 per year.

supporting information

INTERPRETING THE LAW: THE JUDICIAL FUNCTION

The Nature of Judicial Responsibilities and Powers. The source of judicial authority in Oregon is the Oregon Constitution, which authorizes a Supreme Court, provides for the creation of circuit, county, justice of the peace, and municipal courts, and delegates to circuit courts all judicial power, authority, and jurisdiction not specifically given by the legislature to another court.

The legislature has defined the rules of procedure and the geographical, civil, and criminal jurisdiction of all trial courts of the state system. (See chart.) District courts and administrative tribunals are created by state law, but the legislature has given cities the power to create municipal courts by local charters.

It is also the legislature, rather than the constitution, that grants the right of appeal. In Oregon, appeals may be made from decisions of all lower trial courts and tribunals to the circuit court and thence to the Court of Appeals or Supreme Court. It is important to note that in criminal convictions appeal can be made only by the defendant. It is possible for the prosecution to appeal certain rulings made by the judge during the course of a trial, but the prosecution cannot appeal a conviction. This, in essence, is protection against "double jeopardy," the right not to be tried twice for the same crime.

Criminals convicted in state courts may appeal to the federal courts if they believe their constitutional rights have been violated.

Oregon courts have two basic functions.

(1) Determining the constitutionality of Oregon laws and governmental actions, subject to appeal to the U.S. Supreme Court. (Because a thorough discussion of judicial review can be found in civics textbooks adopted by the Oregon Board of Education, it is discussed only briefly here.)

This country made a major contribution to the science of government when it conceived and developed the "doctrine of judicial review"—the principle that the courts have power to declare statutes and other governmental actions unconstitutional. The impact of this doctrine is profound, "whether it involves at one pole the maintenance of the federal system, or at the other, the vindication of individual rights."^{*}

There is no express provision in the United States Constitution or the Oregon Constitution authorizing judicial review by a Supreme Court. This was established by a United States Supreme Court decision in *Marbury vs. Madison* in 1803, based upon two main arguments: several provisions in the Constitution establish an independent judiciary, coequal with both the legislative and executive branches of government; the most pertinent provision declares that the Constitution is the supreme law of the land and "constitutions impose limits on government, limitations prized because won in revolutions or other less spectacular but no less arduous contests against authority. On them was reposed the hope for protection of minorities and property rights against the expected depredations of any department of government permitted to exercise supreme power. If constitutions were law, then it allowed that the courts, whose special concern the law was, must be their proper guardians." In essay No. 78 of *The Federalist*, Alexander Hamilton stated the classic argument for judicial review. He said, in part:

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority: such, for instance, as that it shall pass no bills of attainder, no ex-post-facto laws, and the like. Limitations of this kind can be

preserved in practice no other way than through the medium of courts of justice whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

(2) Interpreting Oregon law as it applies to particular situations. Oregon courts, as the courts of other states and the federal government, are responsible for the application of two types of law—civil and criminal. The law provides rules by which society governs itself both in the settlement of disputes between citizens (civil law), and in the prosecution of offenses against the public (criminal law). The origins of both our civil and criminal law are found in the English and American common law, consisting of the stream of court decisions defining the rights and duties of individuals in their relationships with others and with the government. Civil law has developed both from case law and statutory sources. While the basic criminal law in Oregon is entirely statutory, many court decisions may have been rendered, interpreting and occasionally repealing the codified law.

All Oregon courts administer both criminal and civil law. Such matters as divorces, specific performance of contracts, injunctions, suits for accounting and other "causes of suit" (as contrasted to "causes for action" at law) are heard by the judge sitting without a jury as a court of equity. Although juries are normally reserved to law actions (except when waived) a jury may be empanelled by the equity court to establish damages or to find facts. The decision in a law case is known as a "judgment." The determination of an equity suit is by "decree."

How Oregon's Judicial Branch Functions.

(1) The Supreme Court. This court has general administrative authority over the courts of the state and is responsible for the efficient transaction of business. The Chief Justice is the administrator and, with a Court Administrator, examines the dockets and judicial business transacted in each county, compiles and publishes statistics, and receives reports from judges and clerks of the courts.

To assist in the improvement of judicial administration, a Judicial Council was created by the 1965 Legislative Assembly. This was in response

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^{*}The discussion of the doctrine of "judicial review" is based upon "The Judicial Function in Constitutional Cases," the introductory chapter in *Constitutional Law: Cases and Materials* by Noel T. Dowling and Gerald Gunther, The Foundation Press, Inc., Brooklyn, N.Y., 1965.

lines of inquiry

One of the distinguishing features of the American judicial system is that individuals in pursuit of justice can seek assistance on many levels and find several avenues of recourse in local, state, and federal courts.

Thus, the study of structure and function of the court system might be approached from the viewpoint that every person should be familiar with the options open to him when and if he has his "day in court."

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TAX COURT

(1 Judge)

THE COURT'S HEADQUARTERS ARE IN SALEM BUT COURT IS HELD IN THE COUNTIES WHERE TAXPAYERS OR PROPERTY IN QUESTION IS LOCATED. NO JURIES ARE INVOLVED; EQUITY CASE PROCEDURE IS USED. JURISDICTION COVERS INCOME TAXES, CORPORATE EXCISE TAXES, TIMBER AND REAL AND PERSONAL PROPERTY TAXES. APPEALS FROM THIS COURT ARE TO THE SUPREME COURT.

DISTRICT COURTS

(31 Judges)

EMBRACE ONLY ONE COUNTY. JURISDICTION LIMITED TO \$2,500 MONETARILY IN CIVIL CASES AND TO MISDEMEANOR (INCLUDING UP TO \$3,000, IMPRISONMENT OF ONE YEAR OR LESS, OR BOTH; PRELIMINARY HEARINGS IN FELONY CASES.)

COUNTY COURTS

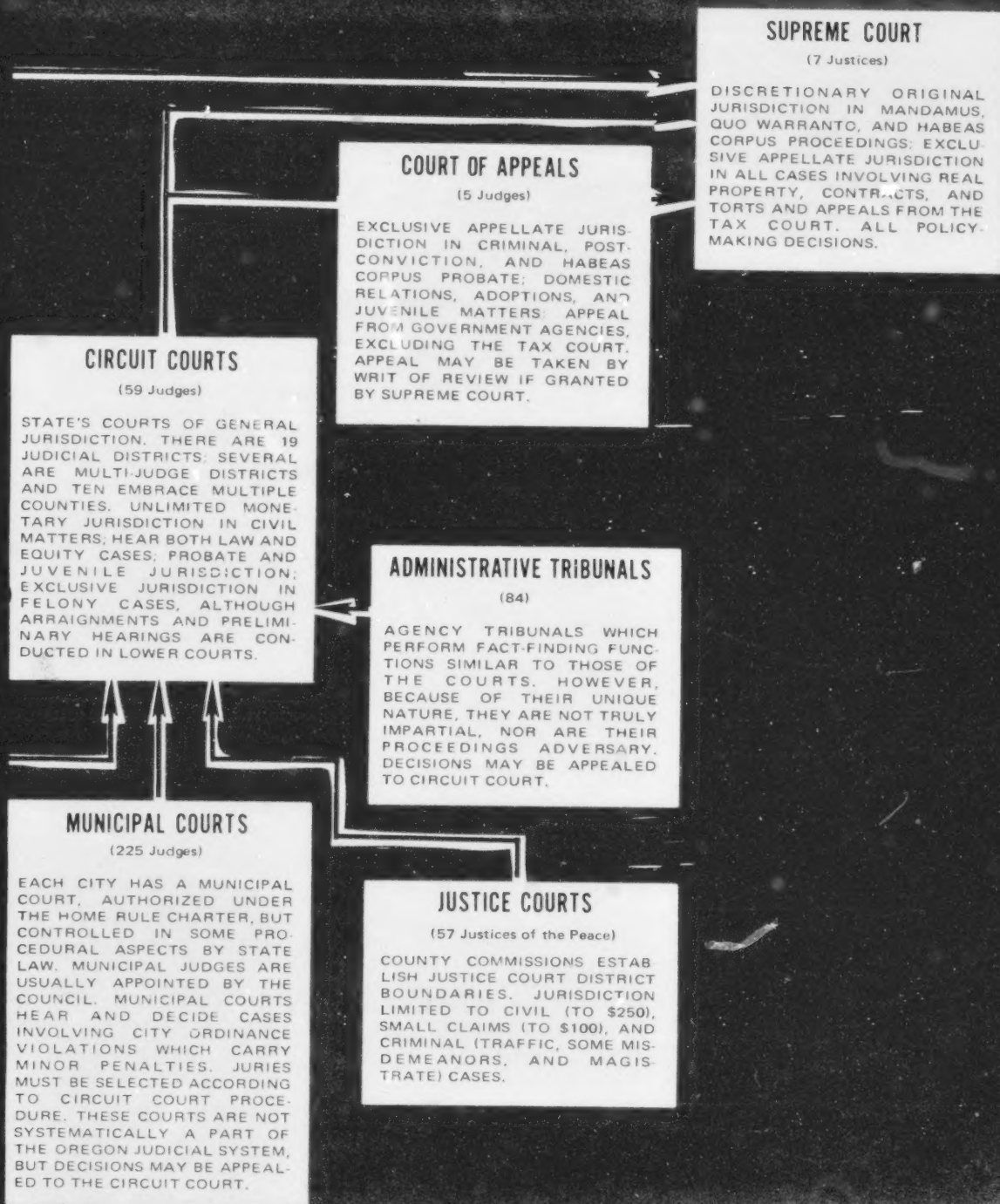
(8 Judges)

TEN COUNTIES STILL MAINTAIN COURTS WHICH EXERCISE EITHER JUVENILE OR PROBATE JURISDICTION.

Resources

Second Biennial Report. Contains recommendations on such topics as reorganization of court structure including adding a Court of Appeals and adjusting judicial salaries. The Judicial Council of Oregon, Supreme Court Building, Salem, Oregon 97310. 1968.

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Resources

Publications Catalog. League of Women Voters of the United States, 1730 M Street NW, Washington, D.C. 20036. Published in August of 1968. Copies free on request. A plethora of valuable material is published each year by this group. A must for teachers of government and civics.

Frank, Jerome. *Courts on Trial: Myth and Reality in American Justice.* Atheneum Publishers, 122 East 42 Street, New York, N.Y. 10017. (Paperback.)

Hause, Brant, Ed. *Great Trials of Famous Lawyers.* Ace Books, Ace Publishing Corporation, 1120 Avenue of the Americas, New York, N.Y. 10036.

to recommendations from the Oregon State Bar, members of the judiciary, and nonlawyers interested in the administration of justice, who advocated a permanent public agency to study the court system and make recommendations. The council, which was abolished by the 1971 Legislative Assembly, has been replaced by a new Commission on Judicial Reform. The chief difference between the two organizations is that the Judicial Council was made up primarily of judges and attorneys, but 11 of the 23 members of the new commission will be nonlawyers.

The new commission will be headed by a former University of Oregon Law School Dean and members will include the Chief Justices of the Supreme Court and the Court of Appeals, the Attorney General, and several legislators.

Created by the Governor, the new commission will be financed by federal rather than state funds. It is expected to study many of the same problems identified for study by the old Judicial Council, such as: creation of a single level of trial courts, the roles of court officers such as the Attorney General, public defenders, and local prosecutors, and defense at public expense of indigents. (See page 83.)

OREGON COURTS HAVE TWO BASIC FUNCTIONS—JUDICIAL REVIEW AND INTERPRETING THE LAW AS IT APPLIES TO PARTICULAR SITUATIONS.



The Court of Appeals. The 1969 Legislative Assembly created a Court of Appeals to relieve approximately half the load of the Oregon Supreme Court. (See chart on pages 318 and 319.)

The Court of Appeals is headquartered in Salem, but the court travels to Pendleton, Medford, and Portland once or twice a year to hear cases from those areas.



Circuit Courts. Oregon's 36 counties are grouped into 19 geographical areas called "judicial districts" which are presided over by circuit court judges. (The circuit courts are the trial courts of general jurisdiction.) Several are multi-judge districts and ten districts embrace multiple counties. (See the *Blue Book*.) To expedite judicial business, the Chief Justice of the Supreme Court may assign any circuit judge to sit in any judicial district in the state and he may appoint members of the Oregon State Bar as circuit judges pro tem. Multnomah and Marion Counties have a substantial number of similar kinds of cases and have created separate departments with specialized judges (who have no special powers because all circuit courts with similar jurisdiction have the same authority.):

The Departments of Domestic Relations of the Circuit Courts in Multnomah and Marion Counties provide for specialized judges in conciliation, divorce, separation support, adoption, juvenile delinquency and dependency, and other similar matters affecting the family or children.

The Probate Department of the Circuit Court of Multnomah County provides a specialized judge to supervise the administration of estates of decedents, minors, and incompetents and commit mentally ill persons and drug addicts to hospitals.



Lower Courts. The "lower" or "minor" courts include district, justice, and county courts. District courts embrace only single counties and are located at the county seat; a few district judges, however, hold court in communities outside the county seat, if directed by the Supreme Court. These courts are trial courts with limited jurisdiction. A District Court consists of one judge except in Multnomah County, which has five judges, Lane County, which has three, and Marion and Clackamas

Counties, each of which has two. District Courts are in operation in 21 counties: Benton, Clackamas, Clatsop, Coos, Curry, Deschutes, Douglas, Hood River, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Umatilla, Wasco, Washington, and Yamhill.*

The District Court has a small claims department which has jurisdiction (not exclusive) for the recovery of money or damages where the amount claimed does not exceed \$200.

Justice courts existed in 57 communities in Oregon in 1970. County commissions have the power to establish justice court district boundaries. Only a very few of the justices of the peace of the state are lawyers. The justice of the peace, remnant of territorial days when each precinct of the state was entitled to a "JP" court, has very limited jurisdiction today. (See chart.)

County "courts" at one time existed in all 36 Oregon counties. They were designed at the turn of the century to provide a supplement to the few roving circuit judges in administering justice locally in the days of slow transportation and difficult travel. The county courts of Crook, Gilliam, Harney, Jefferson, Morrow, Sherman, Wallowa, and Wheeler Counties still exercise jurisdiction in juvenile cases. In Gilliam, Grant, Harney, Malheur, Sherman, and Wheeler Counties the courts still exercise probate jurisdiction.

The title "county judge" is otherwise an anachronism, and, although retained in some counties as the title of the chairman of the board of county commissioners, it more truly relates to the chief administrative officer. No present county judges are law-trained.

A Minor Court Rules Committee plays an important part in the administration of these lower courts. It recommends a bail schedule for traffic, boating, and game and fish law violations and recommends rules for the conduct of cases involving such offenses. It consists of 13 members appointed jointly by the Chief Justice, the Governor, the Oregon State Bar, and the statutes (which name seven representatives of various agencies).



The Oregon State Bar. The Oregon State Bar is a vital adjunct to Oregon's judicial system. The Bar was created in 1935 by the Legislative Assembly and charged with the improvement of

*Columbia County will have a district judge in 1973.

lines of inquiry

In recent years serious changes have been made that the grand jury system is undermining constitutional guarantees of freedom. Students need to be aware of the ways in which the grand jury system can protect the innocent and the ways in which it can be misused for political or other purposes. For example, they should be aware that the procedures established to guarantee every person's right to a fair trial are not used in grand jury hearings.

action ideas

Courts are often at the center of controversy over public issues because they must interpret the law. Conduct two surveys as to public attitudes toward the courts: one when there are no issues of note involving the courts, and the other when the courts are involved (as in the case of a feared criminal being let go on a "technicality," or issuance of an injunction against a strike, etc.) Try to determine to what extent the attitudes recorded are based on transient feelings associated with a particular issue or on deep-seated values.

Confronting the Issue. Invite the district attorney and a civil rights lawyer to discuss such questions as:

- (1) Why don't we have laws that give persons under investigation by a grand jury the right to be notified of the nature of the investigation?
- (2) Why aren't they given the right to cross examine or confront the witnesses against them?
- (3) Why don't they, or any witnesses, have the right to counsel?
- (4) Why isn't an impartial official present?
- (5) What are the protections against self-incrimination?
- (6) Why can incriminating testimony, obtained under compulsion in a grand jury hearing, be brought out later, under certain circumstances, during the trial that follows indictment?
- (7) Are witnesses forced, in the secrecy of the grand jury room, to become informers?
- (8) If witnesses are held in contempt for refusal to answer questions, what limitations are placed on their rights to bail and appeal?

Resources

Law and Courts in the News: A Layman's Handbook of Court Procedures, With a Glossary of Legal Terminology. American Bar Association, Committee on Public Relations, American Bar Center, Chicago 37, Illinois.

Schwartz, Alvin, and others. *What Do You Think.* A readable explanation on how to construct polls and questionnaires. E.P. Dutton and Company, Inc., 201 Park Avenue S., New York, N.Y. 10003. \$4.75. Available at State Library.

supporting information

the administration of justice, and the maintenance of professional ethics and discipline of attorneys. No person can practice law unless he is an active member of the Oregon State Bar, except for the right reserved to litigants to prosecute or defend a cause in person.

The Board of Bar Examiners has nine members nominated by the Oregon State Bar and confirmed by the Supreme Court, who conduct the examination of persons who seek admittance to the bar. The examination is given annually beginning on the third Tuesday of July. Persons who pass the examination are admitted to the bar by the Supreme Court and become attorneys-at-law.

(6) Public Defenders. Oregon has had, since 1963, a Public Defender Committee, composed of five members appointed by the Supreme Court, which appoints a state Public Defender. The state Public Defender is authorized by statute to represent indigents on the Supreme Court level and in post-conviction proceedings only.

In 1971, the Legislative Assembly authorized counties to create local public defenders, if they could provide the funding. Multnomah County has done so.

Oregon's Jury System. The legislature has defined a jury as "a body of persons temporarily selected from the qualified inhabitants of a particular district, and invested with

power to: (1) present or indict a person for a public offense; or (2) to try a question of fact."

Oregon has three kinds of juries: (1) a grand jury, (2) a trial jury, and (3) a jury of inquest.

(1) **The Grand Jury.** The Oregon Constitution provides that "no person shall be charged in any circuit court with the commission of any crime or misdemeanor... except upon indictment found by a grand jury; provided, however... that if any person appear before any judge of the circuit court and waive indictment, such person may be charged in such court with any such crime or misdemeanor on information filed by the district attorney."

This constitutional provision was created by initiative petition in 1910. It provides that "the most competent of the permanent citizens of the county shall be chosen for jurors and out of the whole number... seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment." Grand jurors may be drawn and summoned from the regular jury list at any time, separate from the panel of petit jurors, and more than one grand jury may be empanelled in a county, at the discretion of the court.

Oregon statutes provide that no person other than the district attorney or a witness actually under examination can be present during a grand jury hearing, with the exception that at the request of the district attorney the circuit judge may appoint: (1) a person to take and report testimony, (2) an interpreter, (3) a woman, (4) a medical attendant or a nurse. No challenge to the panel from which a grand jury is drawn, or to an individual grand juror can be made, except by the court when qualifications are in question.

(2) **The Jury of Inquest.** A jury of inquest is a body of six persons, legally qualified to serve as jurors, which is summoned by the district attorney, sheriff, or other ministerial officer to inquire into cause of death when an inquest has been ordered by the district attorney. Testimony of witnesses is presented to the jury in writing and the verdict of the jury is delivered to the district attorney. If two-thirds of the jury members agree that death was the result of a crime, the district attorney must immediately deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest.

A similar jury may be summoned by a sheriff to

try validity of claims to personal property that has been seized or attached by court action.

(3) **The Trial Jury.** A trial jury is used in both civil and criminal cases tried in the circuit courts, and when requested, in district and justice court trials.

A trial jury in the circuit court consists of 12 persons, unless the parties consent to a lesser number. When a case is to be tried, names are drawn from the trial jury box and either the plaintiff or the defendant can challenge (object to) particular jurors as unqualified to serve for specific reasons set forth in the law. Each side in a civil case can make three peremptory challenges—objections to jurors for which no reasons need be given. In a criminal trial, if the crime is punishable by life imprisonment, the defendant is entitled to 12 peremptory challenges and the state to six. For trials of lesser crimes, the defendant is entitled to six peremptory challenges and the state to three.

A district court jury consists of six persons and proportionately fewer challenges are allowed. In justice courts, the procedures for jury selection and the conduct of a trial by jury are the same as those prescribed for circuit court trials.

Procedures For Selecting Jurors. Each county clerk must maintain a jury list which varies in size from 250 persons to 5,000 persons, according to the size of the county. Names of qualified persons are selected from the assessment roll and registration and must represent all parts of the county. At the beginning of each term of the circuit and county court, names from the jury list are placed on ballots in a jury box. For the circuit court, 40* names are drawn, from which number the grand jurors and trial jurors for the term are selected. For the county court, 12* names are drawn.

(1) **Qualifications of Jurors.** (a) A person is not competent to act as a juror unless he or she is:

A citizen of the United States.

An inhabitant of the county in which he or she is returned, and has been an inhabitant thereof for the year next preceding the time he or she is drawn or called.

Over 18 years of age.

In the possession of his or her natural faculties and of a sound mind.

(b) A person is not competent to act as a juror who has been convicted of any felony or a

*Judges may require that a greater number of names be drawn.

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misdemeanor involving moral turpitude.

(c) No person can be summoned as a juror in any circuit court more than once in one year.

(2) Exemptions. A person is exempt from duty to act as a juror if he is:

(a) A judicial officer

(b) Any other civil officer of this state or of the United States, whose duties are at the time inconsistent with his attendance as a juror

(c) An attorney

(d) A practicing physician, dentist, optometrist, chiropractor, osteopath, Christian Science practitioner, naturopath or undertaker

(e) An acting member of a company of firemen duly organized, and who is paid an annual or monthly salary for his services and who has been such member for a period of six months next preceding the time when the exemption is claimed

(f) A member of the state Senate or House of Representatives, and the Legislative Assembly is in session

(g) An active member of the Oregon National Guard

(3) Excuse from Jury Duty.

(a) A person may be excused from acting as a juror:

When his own health or the death or sickness of a member of his family requires his absence

When he is over the age of 70 years

When serving as a juror would result in extreme

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hardship to the person including but not limited to unusual and extraordinary financial hardship

(b) A person cannot be required to serve as a petit juror at any one term of the court for more than four weeks

(4) Deferment of jury service. The judge of the circuit court may allow a person selected to

serve as a juror to defer his jury service to any term of court beginning within one year after the term of court for which the person was selected to serve.

(5) Fees of Jurors. For every day's attendance upon a court of record, jurors are paid \$7.50. Each juror sworn in the justice court, or upon an inquest is paid \$5 a day.



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Jurors also receive mileage allowances if they must travel to and from the trial each day. Those who live more than 40 miles away receive \$6 per day for expenses.

(6) Prohibitions and Penalties.

(a) No person may ask to be put on a jury list and no sheriff, constable, or other person whose duty it is to select or summon a jury may place upon any jury any person whom he has been asked to select. Violation of this law is punishable by a fine not to exceed \$300.

(b) The court to which the panel of jurors is returned by the sheriff may impose a fine not exceeding \$20 for each day a juror, without reasonable cause, neglects to attend. If, however, the notice to attend was not personally served, the fine cannot be imposed until an opportunity is afforded him to be heard.



glossary of legal terms*

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ADVERSARY SYSTEM. The system of trial practice in the U.S. and some other countries in which each of the opposing, or adversary parties, has full opportunity to present and establish their opposing contentions before the court.

AMICUS CURIAE. (a-mī'kus kūrī-ē) A friend of the court; one who interposes and volunteers information upon some matter of law before the court.

APPELLANT. (a-pel'ant) The party appealing a decision or judgment to a higher court.

APPELLATE COURT. A court having jurisdiction of appeal and review; not a "trial court."

ARRAIGNMENT. In criminal practice, to bring a prisoner to the bar of the court to answer to a criminal charge.

ATTACHMENT. A remedy by which plaintiff is enabled to acquire a lien upon property or effects of defendant for satisfaction of judgment which plaintiff may obtain in the future.

BAIL. To set at liberty a person arrested or imprisoned, on security being taken, for his appearance on a specified day and place.

BAILIFF. A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.

BENCH WARRANT. Process issued by the court itself, or "from the bench" for the attachment or arrest of a person.

BURDEN OF PROOF. In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute.

CERTIORARI. (ser'shi-ō-rā'rī) An original writ commanding judges or officers of inferior courts to certify or to return records of proceedings in a cause for judicial review.

CHANGE OF VENUE. The removal of a suit begun in one county or district, to another, for trial, or from one court to another in the same county or district.

CIRCUMSTANTIAL EVIDENCE. All evidence of indirect nature: the process of decision by which court or jury may reason from circumstances known or proved to establish by inference the principal fact.

CODE. A collection, compendium or revision of laws systematically arranged into chapters, table of contents and index and promulgated by legislative authority.

COMMIT. To send a person to prison, to an asylum, workhouse, or reformatory

by lawful authority.

COMMON LAW. Law which derives its authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of courts.

COMMUTATION. The change of a punishment from a greater degree to a lesser degree, as from death to life imprisonment. In Oregon the Governor has the power to commute sentences.

CONTEMPT OF COURT. Any act calculated to embarrass, hinder, or obstruct a court in the administration of justice, or calculate to lessen its authority or dignity. Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term chiefly used with reference to the failure or refusal to obey a lawful order.

CORPUS DELICTI. (kor'pus de-lik'tī) The body (material substance) upon which a crime has been committed, e.g., the corpse of a murdered man, the charred remains of a burned house.

COURTS OF RECORD. Those whose proceedings are permanently recorded, and which have the power to fine or imprison for contempt. Courts not of record are those of lesser authority whose proceedings are not permanently recorded.

DE NOVO. (dē nō'vō) Anew, afresh. A "trial de novo" is the retrial of a case.

DECREE. A decision or order of the court. A final decree is one which fully and finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree which is not final.

DEMUR. (dē-mēr') To file a pleading, (called "a demurrer") admitting the truth of the facts in the complaint, or answer, but contending they are legally insufficient.

DIRECTED VERDICT. An instruction by the judge to the jury to return a specific verdict.

DISMISSAL WITHOUT PREJUDICE. Permits the complainant to sue again on the same cause of action, while dismissal "with prejudice" bars the right to bring or maintain an action on the same claim or cause.

DISTRICT COURT JUDGE. (See "Judges.")

DOUBLE JEOPARDY. Common-law and constitutional prohibition against more than one prosecution for the same crime, transaction or omission.

DUE PROCESS. Law in its regular course of administration through the courts of justice. The guarantee of due process requires that every man have the protection of a fair hearing.

EMINENT DOMAIN. The power to take private property for public use by condemnation.

EQUITY, COURTS OF. Courts which administer remedial justice according to the system of equity, as distinguished from courts of common law. Equity courts are sometimes called courts of chancery.

EQUITABLE ACTION. An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action. (Remedies not available at common law.)

EX PARTE. (ex par'te) By or for one party; done for, in behalf of, or on the application of, one party only.

EX POST FACTO. (eks pōst fak'to) After the fact; an act or fact occurring after some previous act or fact, and relating thereto. The Constitution of the United States prohibits ex post facto [criminal] law.

EXTRADITION. The surrender by one state to another of an individual accused or convicted of an offense outside its own territory, and within the territorial jurisdiction of the other.

FELONY. A crime of a graver nature than a misdemeanor. Generally, an offense punishable by death or imprisonment in a penitentiary.

GRAND JURY. A jury of inquiry whose duty is to receive complaints and accusations in criminal cases, hear the evidence and find bills of indictment in cases where they are satisfied a trial ought to be had.

HABEAS CORPUS. (hā-be-as kor'pus) (Lat.) "You have the body." The name given a variety of writs whose object is to bring a person before a court or judge. In most common usage, it is directed to the official or person detaining another, commanding him to produce the body of the prisoner or person detained so that court may determine if such person has been denied his liberty without due process of law.

INDICTMENT. An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission, which, by law, is a crime.

*Based upon definitions in a "Glossary of Legal Terms," contained in *Law and Courts in the News*. (See suggested resources under "Action Ideas.")

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INJUNCTION. A mandatory or prohibitive writ issued by a court.

INTERLOCUTORY. Provisional; temporary; not final. Refers to orders and decrees of a court.

JUDGES. In Oregon, the constitution provides that judges of the Supreme Court and other courts be elected by the legal voters of the state or of their respective districts for a term of six years, that their compensation shall not be diminished, and that judges shall retire at 75 years of age. All judges must be citizens of the United States, residents of Oregon for three years (exceptions noted below), and members of the Oregon State Bar. Supreme Court judges, at the time of their election, must have been admitted to practice before the Supreme Court. District judges are required to be residents of the county only, unless they are elected in counties with over 500,000 population. In that case, they must be residents for three years. There are no requirements that county judges, municipal judges, or justices of the peace be lawyers.

JUDICIAL CONFERENCE. All the judges of the Supreme Court, Tax Court, circuit courts, and district courts meet annually in a Judicial Conference, charged by statute with responsibility for keeping judges aware, through continuous survey and study, of the organization, jurisdiction, procedures, practices, and methods of administration and operation of the various courts of the state.

JUDICIAL COUNCIL. (See narrative.)

JURISPRUDENCE. The philosophy of law, or the science which treats of the principles of positive law and legal relations.

JURY. A certain number of men, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence laid before them.

MANDAMUS. (man-dā'-mus) The name of a writ which issues from a court of superior jurisdiction, directed to an inferior court, commanding the performance of a particular act.

MANDATE. A judicial command or precept proceeding from a court or judicial officer, directing the proper

of legal terms

officer to enforce a judgment, sentence, or decree.

MISDEMEANOR. Offenses less than felonies; generally those punishable by fine or imprisonment otherwise than in penitentiaries.

MISFEASANCE. A misdeed or trespass. The improper performance of some act which a person may lawfully do.

MISTRIAL. An erroneous or invalid trial; a trial which cannot stand in law because of lack of jurisdiction, wrong drawing of jurors, or disregard of some other fundamental requisite.

MOOT. Unsettled; undecided. A moot point is one not settled by judicial decisions.

PANEL. A list of jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those selected by the clerk by lot.

PARTIES. The persons who are actively concerned in the prosecution or defense of legal proceeding.

PEREMPTORY CHALLENGE. The challenge which the prosecution, or defense may use to reject a certain number of prospective jurors without assigning any cause.

PETIT JURY. The ordinary jury of twelve (or fewer) persons for the trial of a civil or criminal case. So called to distinguish it from the grand jury.

PLAINTIFF. A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

POWER OF ATTORNEY. An instrument authorizing another to act as one's agent or attorney.

PREJUDICIAL ERROR. Synonymous with "reversible error;" an error which warrants the appellate court in reversing the judgment before it.

PROBATION. In modern criminal administration, allowing a person convicted of some minor offense (particularly juvenile offenders) to go at large, under a suspension of sentence, during good behavior, and generally under the supervision or guardianship of a probation officer.

PROSECUTOR. One who instigates the

prosecution upon which an accused is arrested or who prefers an accusation against the party whom he suspects to be guilty; also, one who takes charge of a case and performs function of trial lawyer for the people.

QUASH. To overthrow; vacate; to annul or void a summons or indictment.

QUO WARRANTO. (kwo wo-ran'to) A writ issuable by the state, through which it demands an individual to show by what right he exercises an authority which can only be exercised through grant or franchise emanating from the state.

SINE QUA NON. (si'ne kwa non) An indispensable requisite.

STARE DECISIS. (sta're de-si'sis) The doctrine that, when a court has once laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts are substantially the same.

STATUTE. The written law in contradistinction to the unwritten law.

STAY. A stopping or arresting of a judicial proceeding by order of the court.

SUBSTANTIVE LAW. The law dealing with rights, duties and liabilities, as distinguished from adjective law, which is the law regulating procedure.

SUMMONS. A writ directing the sheriff or other officer to notify the named person that an action has been commenced against him in court and that he is required to appear, on the day named, and answer the complaint in such action.

SUPREME COURT JUSTICE. (See "Judges.")

TESTIMONY. Evidence given by a competent witness, under oath; as distinguished from evidence derived from writings and other sources.

TORT. A tort is negligent or wrongful conduct which causes bodily injury or property damage for which compensation can be recovered in a civil lawsuit. Most torts are the result of negligence such as automobile accidents. Some are intentional, such as libel, slander, assault and battery.

TORT LIABILITY. (government) In Oregon, the traditional doctrine of gov-

ernmental immunity was abrogated in large part by legislation enacted in 1967. Under the new law, every public body, including every local government agency, is made liable to third parties for wrongful deaths, personal injuries, and property damage that result from governmental operations. This liability is commonly referred to as tort liability.

TRIAL=DE NOVO. (dē nō'vō) A new trial or retrial had in an appellate court in which the whole case is gone into as if no trial had been had in a lower court.

TRUE BILL. In criminal practice, the indorsement made by a grand jury upon a bill of indictment when they find it sufficient evidence to warrant a criminal charge.

USURY. Excessive interest rate.

VENIRE. (vē-nī're) Technically, a writ summoning persons to court to act as jurors; popularly used as meaning the body of names thus summoned.

VENUE. (ven'ū) The particular county, city or geographical area in which a court with jurisdiction may hear and determine a case.

VERDICT. In practice, the formal decision or finding made by a jury, reported to the court and accepted by it.

VOIR DIRE. (vwor dēr) To speak the truth. The phrase denotes the preliminary examination which the court may make as to the qualifications of one presented as a juror.

WITH PREJUDICE. The term, as applied to judgment of dismissal, is as conclusive of rights of parties as if action had been prosecuted to final adjudication adverse to the plaintiff.

WITNESS. One who testifies, under oath, to what he has seen, heard, or otherwise observed.

WRIT. An order issuing from a court of justice and requiring the performance of a specified act, or giving authority and commission to have it done.



lines of inquiry

Part I of this handbook deals with the problems of fragmentation in governmental efforts to deal with the increasingly complex problems of society.

This section focuses on the extent to which government is involved in the lives of citizens, and on how Oregon's executive branch has been reorganized and realigned to deal with new problems and fragmented approaches.

Students should know that the executive branch is the chief component of the delivery system for governmental services. As such, how effectively it is able to respond to the needs of people is of critical importance. Students should consider the following questions:

- (1) Are the powers of the Governor adequate? Too great?
- (2) Should officials in charge of large programs or bureaus be elected or appointed? (e.g., Superintendent of Public Instruction, Attorney General, State Highway Commissioner.)
- (3) Are problems of our society so complex and technical that citizens must leave important decisions to government specialists?

action ideas

Visiting Government in Action. Prepare a list of possible government agencies to visit. Have groups of students:

- (1) Select one to visit and do some preliminary research on such topics as the structure, function, and responsibility of the agency, who heads it, and how the position is filled.
- (2) Prepare a list of things to observe and questions to ask.
- (3) Consider taping the proceedings of a meeting or interview with members of the agency for replay to the class.
- (4) Discuss and report on observations made during the visit.
- (5) Prepare a "visual aid" (perhaps a bulletin board display or a photographic essay) showing the agency in action.

Resources

Turnbull, George. *Governors of Oregon*. Binford and Mort, Publishers, 2505 S.E. 11th Avenue, Portland, Oregon.

Goals for a Livable Oregon: An Action Partnership for the '70's. Executive Department of the State of Oregon, State Capitol, Salem, Oregon 97310. 1970.

Report of the Management 70's Task Force. Oregon Executive Department. Separate reports on 28 agencies and commissions of the Executive Department. (Available from the State Library.)

Decade of Development, 1963-73. Reports of the Governor's Office. 1962. (Available from the State Library.)

Recommendations for the Reorganization of the Executive Branch. Office of the Governor, Submitted to the 51st Legislature, 1960. (Available from the State Library.)

supporting information

ADMINISTERING PUBLIC POLICY: THE EXECUTIVE FUNCTION

Nature of Executive Branch Responsibilities and Powers. The executive branch has two basic functions:

- (1) Regulating for the purpose of *protecting* public health, safety, and general welfare.
- (2) Providing services that *preserve* and *promote* the general welfare, as defined in the statutes.

Oregon's Constitution provides for the election of a Governor, who holds the chief executive power of the state and is responsible for:

- (1) Coordinating the activities of state agencies
- (2) Recommending to the legislature a budget for all activities of state government
- (3) Planning for future state activities
- (4) Calling special sessions of the legislature when they are necessary
- (5) Approving or vetoing legislative measures
- (6) Appointing numerous agency heads, boards, commissions, and other state officials
- (7) Exercising the power to grant reprieves, commutations, and pardons when he deems it appropriate
- (8) Serving as commander in chief of the state's military forces

The constitution also provides for the election of a Secretary of State, State Treasurer, Superintendent of Public

Instruction, Attorney General, and Labor Commissioner. The responsibilities of these officials are listed on the chart of the reorganized executive branch.

The terms of the Governor, Secretary of State, and State Treasurer are established by the constitution. They are elected for four-year terms on a partisan ticket, and no person is eligible for these offices more than eight in any period of 12 years. In case of a tie vote, the Legislative Assembly elects a Governor. In case of vacancy or disability, the governorship passes to the President of the Senate, Speaker of the House, Secretary of State, and the State Treasurer, successively.

The Governor must be a citizen of the United States, at least 30 years of age, and a resident of the state for three years prior to taking office. Neither the constitution nor the statutes set age, residence, citizenship, or professional qualifications for the other four state officials.

Like the other three state officials, the Superintendent of Public Instruction, Attorney General, and Labor Commissioner are elected every four years at a general election. Only the Superintendent of Public Instruction runs on a non-partisan ticket.

The *Oregon Blue Book* contains a description of each of the agencies and departments of the executive branch, their governing boards, administrators, and functions. The *Blue Book* is updated and published biennially and teachers are encouraged to get this publication (free—see suggested resources) if they want a detailed description of all the state agencies, commissions, and boards which are listed in this handbook.

Organization of the Executive Branch. Many changes in the structure of Oregon government have occurred throughout the years as a result of rapid growth in population, economic changes, and technological development. In the beginning, the major concerns of government were natural resources, education, and police protection. Today our needs are much more complex. Social legislation, although controversial and expensive, has become a necessity and as a result, departments, agencies, boards, and commissions are constantly being added, abolished, renamed, or combined to achieve more efficient and economical operation, or to add services.

Teachers and students can get some idea of the complexity of state government, the extent to which it involves private citizens, and the extent to which it is involved in almost every aspect of our lives by studying the list of state agencies, boards, commissions, and committees included in this section.

The Project 70's Task Force, appointed by the Governor in 1968 to study the executive branch and make recommendations concerning its reorganization to meet the problems of the next decade, offers this description: "In many ways, our state government is but a collection of independent duchies and fiefdoms, each pursuing its own purposes fairly efficiently but with only the most casual and intermittent consultation with the others.

"Some agencies were created years ago to do a specific thing such as building roads or managing the state-owned lands. Some are clearly the creatures of particular industries or professions. Each is highly protective of its traditional prerogatives.

"We have widely dispersed authority and responsibility for dealing with our governmental affairs among six executive officers, each elected in his own right and each in a position to pursue independent and quite often contradictory objectives.

"Other agencies are really federal instrumentalities funded and directed from Washington, D.C., and subject to little or no state direction, initiative, or coordination."

In 1969, largely as a result of the recommendations of the Governor and his task force, the legislature approved a massive reorganization of the executive branch and the Governor made additional changes by executive order. A chart of the executive branch in this section indicates the manner in which the Governor and the legislature have grouped the functions of the various state agencies, boards, and commissions to achieve greater coordination of activities and planning.

Some of the changes made by the legislature included:*

(1) Elimination of the Board of Control, a three-man board, made up of the Governor, the Secretary of State, and the State Treasurer, which administered:

*From a memorandum on reorganization of the executive branch by Kenneth D. Underdahl, an assistant to the governor, in 1970.

lines of inquiry

Another line of inquiry may focus on bureaucratic organization. For the ordinary citizen, how to cope with bureaucracy can be the single most important question about government.

The executive branch might be examined from this point of view. By studying specific problems that are encountered by ordinary citizens, students may develop confidence in their ability to find and use the services available. Some examples of problem situations that teachers might use are given throughout Part IV.

The following description may be used as a springboard for discussion:

*"New York City government is like the Empire State Building without elevators. Somewhere on top is the administrative apparatus, the public is in the basement, and in between is a vast air space occupied by the civil service. The consequence of this three-tiered arrangement is that the unaffiliated citizen lives in nearly total bewilderment about his government and, on their side, the administrative officials work in general ignorance of what their own bureaucracies are doing to the citizen. A different style of frustration lies in wait for the citizen who thinks he can accomplish something by interrogating public officials at public meetings. An individual who tangles with the head of a bureaucracy will find himself fighting out of his class; any commissioner will tell the citizen that the citizen is 'not in possession of all the facts.' The common thread that stitches all the official responses together is their irrelevance to the questions. Such confrontations give the bystander the feeling of traveling through one of those amusement-park concessions where iron bars turn out to be rubber and where mirrors make a man seem seven feet tall or seven inches short. The citizen might try to barge into the bureaucratic establishment and demand an audience, but that is tantamount to wandering through a pitch-black cave, full of hollow voices telling the citizen he has the wrong department."**

*From *The Airtight Cage*, by Joseph P. Lyford.

action ideas

Debate. Select a lively topic for class debate, such as:

- (1) Government has grown so large that its power is continually abused.
- (2) Bureaucracy is the most rational system yet devised for administering government.
- (3) The best government is that which governs least.

Resources

Governor. Film: 26 minutes, black and white. Explains the duties and responsibilities of a state governor. McGraw-Hill Films, 320 W. 42 Street, New York, N.Y. 10036. \$150. Also *\$5.

State of Oregon District Planning Program. Local Government Relations Division, Executive Department, Public Service Building, Salem, Oregon. September 1969. *

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

Special Schools Division for the Schools for the Deaf and the Blind

Mental Health Division

Corrections Division

Vocational Rehabilitation Division

Employment Division

Public Welfare Division

In eliminating the Board of Control, the legislature transferred its responsibilities and functions directly to the Governor.* Until 1971, he administered these institutions and agencies through directors appointed by him, and also through an informal administrative unit created to gather these divisions under the category of "Human Resources Agencies." In the process, the role of the State Welfare Commission was modified, for example, and in 1971, the commission was abolished.

(2) Establishment of an Executive Department, consolidating the various management functions of state government, including budget, management systems, accounting, data processing, personnel, planning, economic development, intergovernmental coordination, etc., which under the existing structure had been fragmented over a number of agencies and lacked effective coordination.

(3) Establishment of a Department of Transportation to serve directly under the governor and to include the Highway Department, the Department of Motor Vehicles, the Board of Aeronautics, and the newly created Mass Transit and Ports Divisions. The

*In 1971, the Schools for the Deaf and Blind were placed under the jurisdiction of the Oregon Board of Education.

Marine Board was not included in legislative action, and the roles of the State Highway Commission and the Aeronautics Board remained largely intact, recognizing their great value in providing lay guidance to the program directions of these agencies.

(4) Establishment of a Department of Revenue to serve directly under the Governor and to include the functions of the State Tax Commission and the Gift and Inheritance Tax functions of the State Treasurer. The Motor Fuels Tax function which had been proposed for consolidation by the task force was left in the Division of Motor Vehicles. As recommended, the three-man Tax Commission was abolished and replaced by a single director.

(5) The establishment of a Department of Environmental Quality, expanding the duties and visibility of the existing State Sanitary Authority then operating as a division of the State Board of Health.

(6) The establishment of a Public Employee Relations Board to assume the quasi-judicial grievance and conciliation responsibilities of the Civil Service Commission.

(7) Elimination of the Civil Service Commission. The Commission's functions were, in the main, assigned to the Personnel Division within the Executive Department. However, as mentioned, certain quasi-judicial functions were assigned to the Public Employee Relations Board.

Perhaps the biggest single change in the Executive Department in the state's history was the creation of a Human Resources Department by the 1971 Legislative Assembly. It combines formerly independent agencies such as welfare, mental health, corrections, vocational rehabilitation, health, and others (see page 332); has 8,700 employees; and deals with some 100,000 Oregonians as beneficiaries of specific services. Through it will funnel roughly half of Oregon's General Fund budget plus millions of dollars in federal grants. The idea is to coordinate services and eliminate the necessity for an individual or family to deal with as many as five agencies for one problem.

Governor McCall noted after the legislature had largely accepted and adopted most of his reorganization proposals: "The action of the Legislature was not the end of the process; it was a

beginning." He went on to say, "The responsibility to make reorganization a reality, rather than merely an exercise in 'chartmanship,' is now clearly upon us."

Pursuant to this, a number of steps were taken to move from legislative approval into operating reality. Primary among these activities was the reshaping of the newly created Executive Department and the Office of the Governor into a double-pronged organization, with the Executive Department staff focusing on the integration of management disciplines of budget, planning, management, data processing, accounting, and local government.

Concurrently, the Office of the Governor was organized with a group designated as "Assistants to the Governor" (called "Coordinators" on the Organization Chart), with program responsibilities. Assistants were designated in the areas of Economic Development and Consumer Services, Education, Human Resources, Natural Resources, Public Safety, Transportation, and Revenue. These assistants represented a new dimension of liaison in the Governor's Office for the large number of programs and agencies operated by Oregon state government.

COORDINATING THE FUNCTIONS OF STATE AND LOCAL GOVERNMENTS

Momentum for reorganization in Oregon continues strong, and among the most important thrusts of the Governor and Executive Department is the effort to bring about coordination of the planning, services, and expenditures of all agencies and levels of government.

In addition to 228 cities, 36 counties, and over 1,500 special districts, 23 state agencies have subdivided Oregon into 51 different and conflicting sets of districts.

In a letter to state and local government officials urging support for a new district planning program, Governor McCall wrote:

"If we are to survive the ominous problems of the next decade, then we are forced to find ways to coordinate our operations, agree upon planned programs, and cooperate in the major ventures looming before us.

"A key step in the direction of tomorrow was made in July of 1968 when Executive Order Number 68-11 initiated an elimination of the

state agencies, boards & commissions *

Accident Insurance Fund, State
Accountancy, Board of
Accounting Division
Adult Education Advisory Committee
Aeronautics Board
Aeronautics Division
Aging, Governor's Commission on
Agriculture, Board of
Agriculture Department
Alcohol & Drugs Educ. Committee
Alcohol & Drugs Section
Architect Examiners, Board of
Archives Division
Arts Commission
Apprenticeship & Training Council
Auctioneers, Board of
Banking Board
Banking Division
Bar, Oregon State
Barber Examiners, Board of
Bartlett Pear Commission
Beef Council
Blind, School for
Blind Commission
Blind Student Aid Advisory Committee
Boiler Rules Board
Boundary Commissions (Portland, Marion & Polk Counties)
Budget Division
Capitol Guide Service
Capitol Planning Commission
Census Research
Chemical Applicators Advisory Committee
Chewing Fescue & Creeping Red Fescue Commission
Chicano Affairs Commission
Children & Youth, Governors Committee
Children's Home
Chiropractic Examiners
Civil Defense Section
Civil Rights Advisory Committee (Labor)
Clinical Radio-isotopes Committee
Coastal Region Task Force
Collection Agencies Board
Colleges
 Eastern Oregon College
 Southern Oregon College
 Oregon College of Education
 Oregon Technical Institute
Columbia River Compact
Columbia River Gorge Commission
Columbia River Indian Treaty Fisheries Commission
Columbia River Lower Region Task Force
Columbia River Mid-Region Task Force
Commerce Department

Community college boards (12)
Community Service & Continuing Educ. Committee
Community Services Section
Compensation Board, Workmen's
Conservation & Outdoor Educ. Advisory Committee
Consumer Advisory Committee
Consumer Services Section
Continuing Education Division
Corporations Division
Correction agencies:
 Adult Policy Committee
 Correctional Institution (men)
 Hillcrest School (girls)
 McLaren School (boys)
 Penitentiary, Oregon State
 Women's Correctional Institution
Corrections Division, State
Cosmetic Therapy, Board of
County Forestry Land Classification Committee
County Public Welfare Board
Court Services Advisory Committee
Crime Control Coordinating Council
Curriculum Advisory Committee (Educ. Dept.)
Dairy Council
Dairy Relations Commission
Data Processing Advisory Committee (Educ. Dept.)
Data Systems Division
Day Care Advisory Committee
Deaf, School for the
Deeds, Commissioners of
Dental Examiners Board
Dental Health Education Committee
Dental School, University of Oregon
Diabetes Advisory Committee
Dredging Consulting Committee
Drug Advisory Council (Pharmacy)
Dry Cleaners Advisory Board
Economic Development Support Section
Economic Opportunity Section
Education, State Board of
Education Department
Education Facilities Planning Committee
Education Professions Development Act Advisory Committee
Education Profession Review Board
Education Telecommunications Advisory Committee
Educational Audits Advisory Committee
Educational Coordinating Council
Educational Planning Advisory Committee
Educator Safety Board (Labor)
Egg Advisory Committee
Electrical Advisory Board

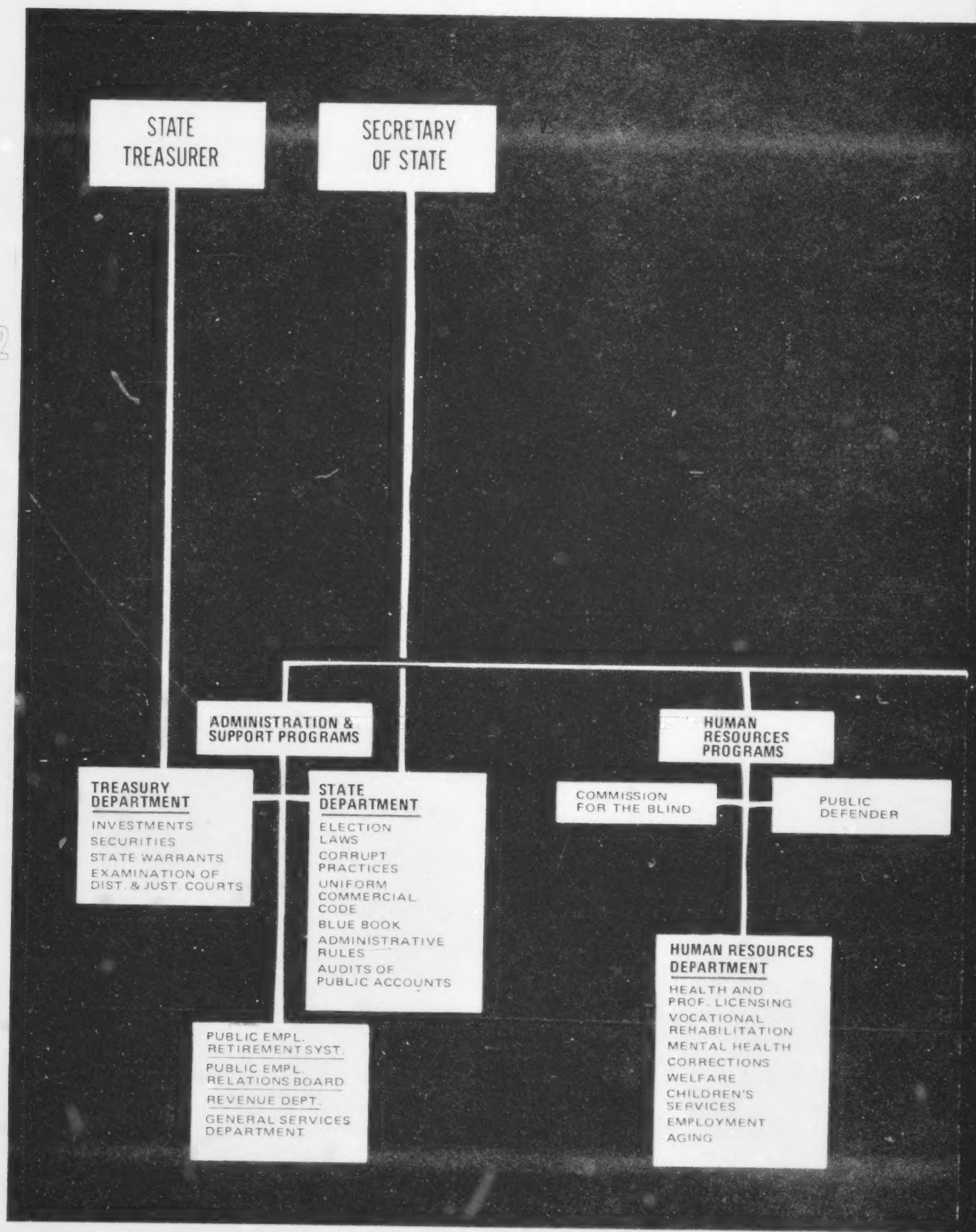
Elem. & Secondary Education Act
 Title I Advisory Committee
 Title II Advisory Committee
 Title III Advisory Committee
Elevator Safety Board
Emergency Fire Cost Committee (Forestry)
Emergency Medical Services Advisory Committee
Emergency Services Department
Employee Suggestion Awards Board
Employee Appeals Board
Employment Department
Employment of Handicapped, Governor's Committee
Engineer, State
Engineering Examiners, Board of
Environmental Quality Department
Executive Department
Fair Commission
Fair, Oregon State
Farm Safety Advisory Committee
Feed Advisory Committee
Fertilizer Advisory Committee
Filbert Commission
Finance Department
Fire Marshal
Fish Commission, Oregon
Fisheries Commission, Pacific Marine
Foreign Fishing Commission
Forest Conservation Board
Forest Products Research
Forestry Department
Forestry, State Board of
Fryer Commission
Funeral Directors & Embalmers Board
Furniture & Bedding Council
Game Commission
General Services Department
Geographic Names Commission
Geology & Mineral Industries Department
Governor's Office
Health Board, State
Health Department
Health In-service Advisory Committee
Health Manpower Council
Health Officers, Local, Executive Comm.
Health Planning Commission
Health Services, Local District
Hearing Aids, Advisory Council on
Higher Education, Board of
Higher Education, State System of
Higher Education, Western Interstate Commission
Highland Bentgrass Commission
Highway Commission
Highway Division
Home Health Aides Advisory Committee
Hop Commission
Hospitals, (mentally ill or retarded)
 Columbia Park Hosp. & Trng. Center
 Dammasch State Hospital
 Eastern Oregon Hosp. & Trng. Center

*Although this list has been made fairly inclusive to illustrate the number and variety of ways in which government is involved in the activities of people, it is not complete. It should be noted that such boards and commissions and agencies are continually created and combined and abolished.

Fairview Hosp. & Trng. Center
 Oregon State Hospital
 Human Resources Support Services
 Improvement of Instruction, Committee
 on (Higher Educ.)
 Industrial Accident Commission
 Industrial Health Committee
 Instructional Radio & TV Advisory
 Committee
 Insurance Division
 Inter-agency Charges Commission
 Intergovernmental Coordination Com-
 mission, Governor's
 Intergroup Human Relations Commis-
 sion
 International North Pacific Fisheries
 Commission
 Interstate Cooperation Commission
 Investment Council
 Justice Department
 Juvenile Policy Commission
 Juveniles, Interstate Compact on
 Klamath Basin Compact Commission
 Labor Bureau
 Labor-Management Relations Board
 Laboratory Standards Advisory Com-
 mittee
 Land Board, State
 Lands, Division of
 Landscape Architect Examiners Board
 Law Enforcement Council
 Lewis & Clark Trail Advisory Committee
 Library Board, State
 Library, State
 Liquor Control Commission
 Litter & Vandalism Advisory Committee
 Livable Oregon Committee, Gov.'s
 Livestock Advisory Committee
 Livestock Auction Markets, Board of
 Livestock Disease Advisory Committee
 Local Govt. Relations Division
 Log Export Advisory Committee
 Management Systems Division
 Manpower Coordinating Committee
 Marine Board
 Massage Licensing Examiners Commis-
 sion
 Mass Transit Division
 Mass Transit Commission, Lane County
 Mastitis Prevention & Control Com-
 mittee
 Medical Bill Review Committee
 Medical Examiners Board
 Medical Investigation Advisory Com-
 mittee
 Medical School, Univ. of Oregon
 Mental Health Advisory Board
 Mental Health Clinics, Community
 Mental Health Division
 Mental Health Staffing Standards Com-
 mittee
 Methadone Advisory Committee
 Migrant Education Advisory Committee
 Military Council
 Military Department
 Motor Vehicle Accident Fund
 Natural Resources Committee
 Naturopathic Board of Examiners

Nuclear Energy Development Section
 Nuclear Emergency Organization
 Nuclear Plant Siting Committee
 Nursery Advisory Committee
 Nursing, State Board of
 Nursing Home Administration Advisory
 Council
 Oceanography Section
 Ombudsman, Office of
 Optometry Board
 Orchardgrass Seed Producers Commis-
 sion
 Otter Trawl Commission
 Pacific Flyway Committee
 Pacific Marine Fisheries Commission
 Pacific N.W. River Basins Commission
 Pacific Salmon Interagency Council
 Pacific S.W. Interagency Commission
 Parks & Recreation Advisory Committee
 Parole & Probation Board
 Parole & Probation Supervision Section
 Penitentiary, Oregon State
 Personal Finance Advisory Committee
 (Education)
 Personnel Division (Civil Service)
 Pesticide Industry Advisory Committee
 Pharmacy Board
 Physical Therapists Advisory Committee
 Pilot Commissioners Board
 Planning & Development Division
 Plumbing Industry Advisory Committee
 Podiatrists Examining Board
 Poison Control Executive Committee
 Police Department
 Police Standards and Training Board
 Population Research & Census Center
 Portland Metropolitan Study Committee
 Ports Division
 Potato Commission
 Practical Nursing Advisory Council
 Predator & Rodent, Interagency Advi-
 sory Committee
 Preventive Medicine Services Division
 Private care agencies for children
 Private Vocation Schools Advisory Com-
 mittee
 Processed Prune & Plum Growers Com-
 mission
 Project Newgate (Corrections)
 Program Planning Section
 Prune & Plum Growers Commission
 Psychologists Examiners Board
 Public Defender
 Public Employees Relations Board
 Public Employees Retirement Board
 Public Health Residence Advisory Com-
 mittee
 Public Safety Support Services
 Public Utility Commissioner
 Public Welfare Commission
 Pupil Transportation Advisory Com-
 mittee
 Racing Commission
 Radiation Advisory Committee
 Real Estate Division
 Regional Appeal Advisory Board (Com-
 merce)

Research & Management Data Advisory
 Committee (Educ.)
 Retirement System, Public Employees
 Revenue Department
 Rogue River Coordinating Board
 Ryegrass Growers Seed Commission
 Sanitarians, Department of
 Sanitary Authority
 Sanitation & Engineering Division
 Scenic Area Board
 Scholarship Commission
 School District Boards (385)
 Science & Technology Advisory Com.
 Secretary of State's Office
 Shipping Point Advisory Committee
 Social Protection (Eugenics) Board
 Soil & Water Conservation Commission
 Special Schools Division
 Speed Control Board (Highway)
 Strawberry Commission
 Surplus Property
 Synthetic Chemicals Advisory Com.
 Synthetic Chemicals in the Environment
 Advisory Committee
 Tall Fescue Commission
 Tax Supervising & Conservation Com.
 Tax Compact, Multistate
 Teacher Standards & Practices Commis-
 sion
 Teaching Research Division
 Teletype Network Committee
 Textbook Commission
 Traffic Safety Commission
 Transfer of Occupational Credits Com.
 Transportation Department
 Travel Advisory Commission
 Travel Information Service
 Treasury Department
 Tri-Met Transportation District
 Tuberculosis Advisory Committee
 Underprivileged, Gov.'s Medical Assist-
 ance Committee
 Unemployment Compensation Advisory
 Council
 Uniform State Laws Commission
 Universities
 Oregon State University
 Portland State University
 University of Oregon
 Vehicle Equipment Safety Committee
 Veterans' Affairs Advisory Committee
 Veterans' Affairs Department
 Veterinary Examining Board
 Vocational Education, Gov.'s Advisory
 Council
 Vocational Rehabilitation Department
 Wage & Hour Commission
 Watchmakers, Board of Examiners
 Water Resources Board
 Welfare, Department of Public
 Welfare Recovery Division (Justice)
 Wheat Commission
 Water Council, Western States'
 Willamette River Park System
 Women, Committee on Status of
 Workmen's Compensation Board
 Youth Care Centers



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PROGRAMS

ECONOMIC DEV. &
CONSUMER SERV
PROGRAMS

PUBLIC SAFETY
PROGRAMS

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DEPARTMENT

LABOR BUREAU

DEPARTMENT OF
LABOR
BUREAU OF
LABOR RELATIONS

JUS
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ATTORNEY
GENERAL

SUPT OF PUBLIC
INSTRUCTION

PUBLIC SAFETY
PROGRAMS

EDUCATION
PROGRAMS

OTHER
PROGRAMS

JUSTICE
DEPARTMENT

EDUCATION
DEPARTMENT

lines of inquiry

One of the most significant questions of our time concerns the desirability of government planning. Is it compatible with democracy? Can democracy be saved without it?

What are these "new ways to analyze, anticipate, and control the social environment" that some believe will solve our greatest problems and others have called "a new barbarism?"

Students can get an excellent concept of the methods and effects of government planning by observing the activities of local Councils of Government.

action ideas

Analyzing Current Events. Councils of Government are voluntary organizations of cities, counties, and special districts. Membership is not required and actions of the COGs are advisory and not binding, even upon their members. Therefore, by following the activities of these organizations, students can speculate on the reasons they have or have not reached the goals they have set for themselves. The class should also invite local members to give their own evaluation of the COG's effectiveness.

Resources

Write to your own Council of Oregon Governments and ask for copies of its charter and agreement and any materials it has published.

supporting information

jungle of overlap and duplication by the establishment of 14 administrative districts. A recent review of the initial progress of this plan was conducted with state legislators, state agencies, county commissioners, mayors, and private citizens. The verdict: near unanimous support for the first exploratory months of the idea, and . . ." the 1969 Legislative Assembly appropriated \$81,250 to promote this project.

In 1968 all state programs were reviewed and placed within seven major functional categories (see Organization Chart). As a first effort, this document was of great assistance in the preparation of the 1969-71 state biennial budget, "but lacked an important element—local government participation." A second phase—state goal-setting—was begun in 1969 with the establishment of seven state program planning units—education, transportation, health and human resources, public safety, natural resources, economic development, and general administration—to redefine state goals and objectives.

In order for local governments to contribute to their definition, district councils were organized to participate in the goal-setting process.

Councils of Governments. A district council is a voluntary association of local governments organized to improve cooperation, coordination, and planning. The district

council also is intended to provide a mechanism to improve state responsiveness to local needs and priorities by providing opportunities for local participation in defining district goals and objectives for state program plans.

The district council:

- (1) Serves as a forum for local government officials to jointly identify problems and recommend solutions which are both local and district-wide in scope.
- (2) Encourages the development of solutions to problems both short- and long-range through intergovernmental coordination and planning.
- (3) Provides for local coordination and policy review of federal, state, and local planning programs and projects which concern the future development of the district.

Two-thirds of the voting members of a district council must be elected officials representing units of general local government (mayors, councilmen, and county commissioners) which together represent at least three-fourths of the aggregate population of the Administrative District. Other voting members may represent school districts, other special districts, and the

by public. This qualifies a district council for federal funding sources. In addition, the district council must provide a continuing opportunity for all qualified cities and counties to join and participate in the district program.

The 55th Legislative Assembly, recognizing the need for district planning and coordination, appropriated \$81,250 over a two-year period for grants to district councils on the basis of proposed work programs.

State grants must be matched by an equal local district cash contribution. Local funds already appropriated for intergovernmental or multi-program planning may be counted toward the district match, but federal funds may not. The legislative intent of the district program is that state grants be used to supplement and not replace local funds already used for the same purposes.

The district grants can be used at the discretion of the district council for any reasonable expense incurred in identifying district problems and priorities, planning, and intergovernmental coordination in the following program areas:

335

COUNCILS OF GOVERNMENTS

District

1. **CLATSOP-TILLAMOOK INTERGOVERNMENTAL COUNCIL** (Clatsop, Tillamook)
Clatsop County Courthouse
Astoria 97103
2. **COLUMBIA REGION ASSOCIATION OF GOVERNMENTS** (Clackamas, Clatsop, Multnomah, Washington)
429 S.W. 4th Avenue
Portland 97204
3. **MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS** (Marion, Polk, Yamhill)
Room 310, City Hall
Salem 97301
4. **DISTRICT 4 COUNCIL OF GOVERNMENTS** (Benton, Lincoln, Linn)
360 Avery Avenue
Corvallis 97330
5. **LANE COUNCIL OF GOVERNMENTS** (Lane)
135 6th Avenue E.
Eugene 97401
6. **UMPUA REGIONAL COUNCIL OF GOVERNMENTS** (Douglas)
Douglas County Courthouse
Roseburg 97470
7. **COOS-CURRY COUNCIL OF GOVERNMENTS** (Coos, Curry)
P.O. Box 434
Coos Bay 97420

District

8. **ROGUE VALLEY COUNCIL OF GOVERNMENTS** (Jackson, Josephine)
Jackson County Courthouse
Medford 97501
9. **MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT** (Hood River, Sherman, Wasco)
310 Wasco County Annex Building
The Dalles 97058
10. **CENTRAL OREGON REGIONAL COUNCIL OF GOVERNMENTS** (Crook, Deschutes, Jefferson)
Deschutes County Courthouse
Bend 97701
11. **NOT ORGANIZED** (Klamath, Lake)
12. **DISTRICT 12 COUNCIL OF GOVERNMENTS** (Gilliam, Grant, Morrow, Umatilla, Wheeler)
Umatilla County Courthouse
Pendleton 97801
13. **BLUE MOUNTAIN COUNCIL OF GOVERNMENTS** (Baker, Union, Wallowa)
Union County Courthouse
La Grande 97850
14. **SOUTHEAST OREGON COUNCIL OF GOVERNMENTS** (Harney, Malheur)
Ontario City Hall
Ontario 97914

lines of inquiry

action ideas

supporting information

(1) Economic Development and Consumer Services (including industrial development, tourism, and trade promotion)

(2) Education (including vocational, technical, and professional programs and location)

(3) Human Resources (including health planning, mental health, employment, economic opportunities, public welfare, special schools, social services, vocational rehabilitation and housing)

(4) Natural Resources (including land use, air and water quality, pollution resource conservation, open space and recreation, scenic preservation)

(5) Public Safety (including law enforcement, traffic safety, public and occupational safety, emergency services, and fire protection)

(6) Transportation (transportation studies, port development, and airport facilities)

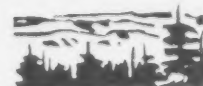
The Local Government Relations Division of the Oregon State Executive Department assists district councils in organizational efforts, planning development, grant applications, and technical problems.

District councils will serve as focal points in identifying, analyzing, and recommending priorities among local and district-wide problems for state program planning.

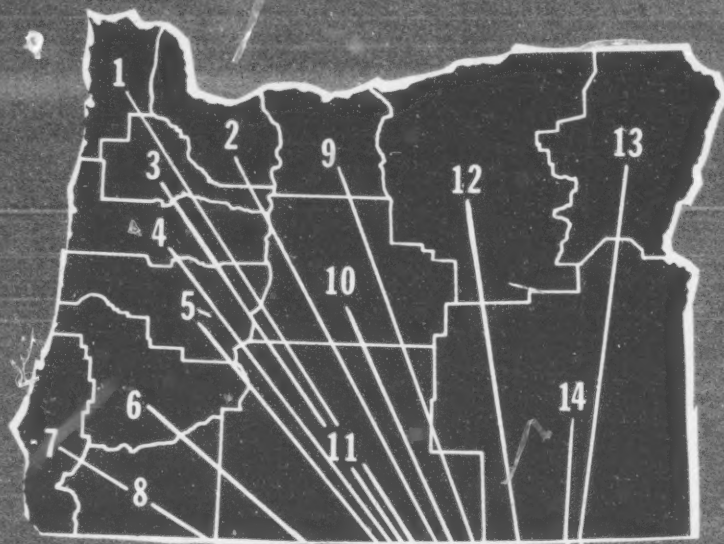
Resources

Local Government Relations Section,
Executive Department, 320 Public
Service Building, Salem, Oregon 97310.

District Facts. Program Planning
Division, Oregon Executive Department,
306 Public Service Building, Salem, Ore-
gon 97310.



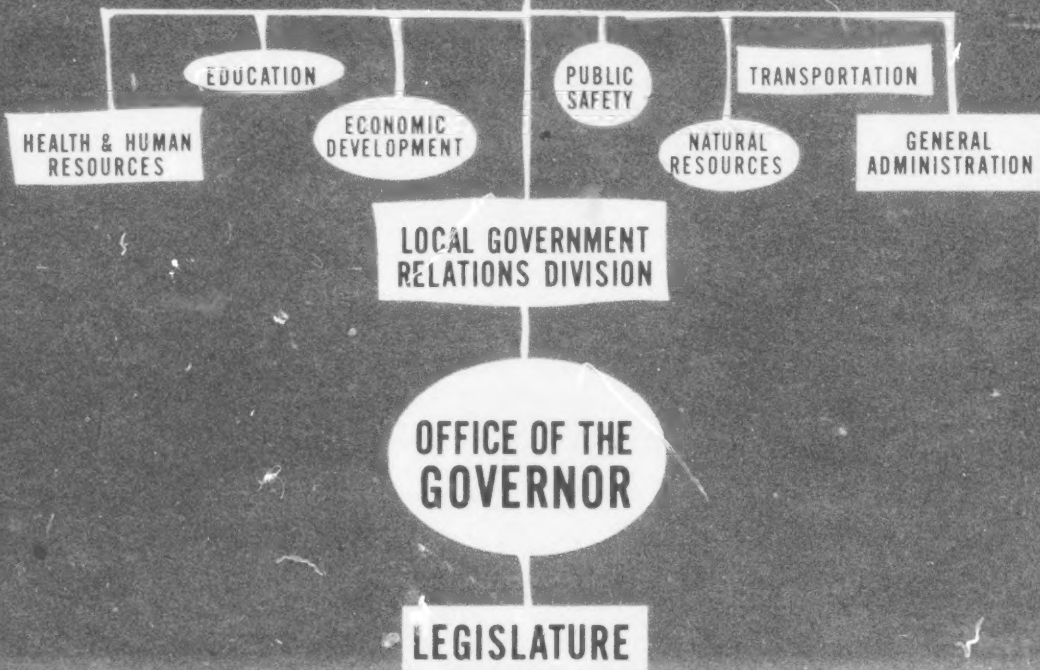
the new concept of planning



**DISTRICT
COUNCILS**

ADVISORY

COMMITTEES



lines of inquiry

The accessibility of local government will enable teachers to help students see government in terms of people making decisions about how to meet needs.

Students need to investigate and analyze local situations which involve:

- (1) The clash of special interest groups.
- (2) The effect of apathy in decision making.
- (3) The effects of under- or over-financing government programs.
- (4) The frequent inability of taxpayers to connect tax bills to services rendered.

Such realistic and personalized approaches to the study of politics and government are essential to the development of participatory citizenship.

action ideas

Geography and Government. Obtain maps or charts of Oregon that show population density, roads and highways, vegetation, and geographic features such as desert, forests, mountains, and valleys. Have students formulate a set of assumptions about what services people need from county government and then make decisions about these questions:

- (1) How many counties does Oregon need?
- (2) Where should county boundary lines be drawn.
- (3) Where should county courthouses be located?

Indicate these conclusions about questions on a map of Oregon and compare it to a map of existing counties.

History and Government. Ask the Oregon State Library to send Bulletin No. 1, Publication No. 10, "What You Can Write About the History of Your Home Town," by David C. Duniway, State Archivist. Have students follow Mr. Duniway's suggestions to get a better picture of the formation of their city government.

Resources

Local city and county officials are among the most valuable resource people available to teachers and students of government at any level.

Eichner, James A. *The First Book of Local Government*. Franklin Watts, Inc., 575 Lexington Avenue, New York, N.Y. 1967. \$2.95.

Instruction Guide for Local Government: Grade 8. Multnomah County Intermediate Education District, 220 SE 102nd—P.O. Box 16657, Portland, Oregon 97216.

What You Can Write About the History of Your Home Town. Oregon State Archives Bulletin No. 1, Publication No. 10. Oregon State Library, Salem, Oregon. 1948. 10 cents.

Background Information on Local Government in Oregon. Bureau of Government Research and Service, University of Oregon, Eugene, Oregon. 1969.

supporting information

local

The information concerning local government structure and authority contained in this section of the handbook is excerpted from or based upon the document, *Background Information on Local Government in Oregon*, compiled by the Bureau of Governmental Research and Services at the University of Oregon (See suggested resources under "Action Ideas.")

There are four kinds of local government in Oregon:

- Counties
- Cities
- Special districts
- School districts

Because of the many similarities in the way county, city, and special district governments are created, in their legal framework, and in their responsibilities and powers, these three units of local government are discussed as "local governments." Although school districts are similar to other units of local government in terms of the legal framework in which they operate, their purposes and responsibilities and their modes of operation are quite different. Therefore, they are discussed separately.

THE ORIGIN OF LOCAL GOVERNMENT IN OREGON

Most cities and counties in Oregon were created by the

government foundations

state legislature to provide public services and facilities to people living in specific geographic areas.

Oregon cities were originally established by separate acts which can be found in the statutes prior to 1906. Since 1893, however, it has been possible for a city to incorporate by local petition and election (conducted by the county) and in 1906 the legislature's authority to create cities was repealed by constitutional amendment.

Oregon counties were established by statutes which set forth the boundaries of each and prescribed in considerable detail their organization and powers. Later, statutory provisions authorized the voters of an area to petition and vote to create new counties or to change the boundaries of existing counties, but these provisions have not been used since 1916 when Deschutes County was established.

Special districts (there are over 800) in Oregon may be created by:

- (1) Special laws (Port of Portland)
- (2) General laws not requiring popular vote or petition in the area affected (housing authorities, mass transportation districts).
- (3) General laws requiring popular vote or petition by residents of areas (usually adjacent to incorporated cities) that require services; e.g., water, sanitation, fire protection, irrigation, hospital, cemetery. Residents of such areas may also obtain the services by incorporating a new city. Or, as in the case of the North Lincoln Beach area, the governments of three incorporated cities and a number of special districts combined to establish a new city government—Lincoln City—to provide the municipal services required.

The Portland-Salem-Eugene Metropolitan Boundary Commissions. The *Oregonian* for Saturday, July 12, 1969, discussed the Portland Commission in this editorial:

"The newly created 11-member Portland Metropolitan Boundary Commission and others like it to be formed in the Salem and Eugene areas, will both hold the line in the proliferation of new local governmental units and tend to reduce their numbers.

"The power of the boundary commission is exercised in a negative way, but it is nonetheless very great. In essence it can veto the plans of local area residents to incorporate new little cities, or create new little service districts to provide water, sewers, fire protection, street lighting, recreation facilities, and the like. Or, it also can forbid the annexation of new territory to existing cities or service districts.

"In the past it made some sense to give local neighborhoods a fairly free hand to shape their governmental structure to suit their desires and their financial capabilities. The traditional Oregon county government is a rather weak subsidiary of state government, and to get any real legislative power at the local level required the incorporation of a city or formation of a special service district.

"But with the advent of county home rule charters that no longer is the case. Literally there no longer is any practical need for incorporated cities or service districts in a home rule county; scores of the latter in the metropolitan area could and should be consolidated or abolished to promote efficiency and save public funds.

"Inevitably the commission members, if they do their job conscientiously, will step on many sensitive toes. The principal of local control has much emotional appeal, and among its most zealous exponents are those who in one way or another have a personal financial or political stake in the maintenance of the status quo, however costly or ineffectual it may be. The commission should not be intimidated by pressures from those who have a good thing going and don't want to lose it."

lines of inquiry

While it is true that there are many levels of government, they are not separate entities functioning alone. They are the "creatures" of state government. Students should understand the limitations and restrictions placed on local government officials by the federal and state constitutions and state legislatures.

action ideas

Government Services. Students might make a series of posters, suitable for display in the school room, which depict the physical and social needs which an organized community satisfies for its members.

supporting information

THE LEGAL FRAMEWORK OF LOCAL GOVERNMENTS

Although the United States Constitution says nothing about local government, it nevertheless imposes important limitations in the form of protection of individual rights. In addition, units of local government are agencies of the state and consequently are subject to many of the limitations that the Constitution imposes on the states. Some of these limitations are expressly set forth in the Constitution. Others have been held by the courts to be implied in the powers the Constitution as specifically delegated to the United States. (These limitations were outlined briefly in the discussion of the foundations of state government.)

Provisions of the Oregon Constitution specifically affect local governments in Oregon in important areas—elections, direct legislation, city and county home rule, and finance. These provisions will be discussed in connection with the specific operations which they effect.

Municipal Corporations. Local governments are public corporations commonly referred to as municipal corporations. Oregon statutes use the term "municipal corporation" with varying meanings—sometimes referring to cities only, sometimes to cities and counties, and sometimes to other units of local government. Each statute using the term usually contains its own definition.

Resources

Know Your County: An Outline for Making a Survey of Local Government. Publication No. 80. League of Women Voters of the United States, 1730 M Street NW, Washington, D.C. 20036.

District Facts. Program Planning Division, Oregon Executive Department, 306 Public Service Building, Salem, Oregon 97310.

County Government. Film: 23 minutes, black and white, grades 4-9. Explores services provided by the county departments. *\$5. Progressive Pictures, 2nd ed., 1966.

County Government. Tape series by Bob Bruce. Available from KOAC, Covell Hall, Oregon State University, Corvallis, Oregon 97331.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

Cities are commonly regarded as "pure" municipal corporations, or municipal corporations "proper" because of their broad powers and multiple or general purpose nature. Counties, school districts, and special districts are referred to as quasi-municipal corporations because they are something like municipal corporations. This corporate nature gives local governments some characteristics of private corporations.

(1) The municipal corporation has continuous legal identity, regardless of changes in its membership.

(2) It has the power to contract.

Subdivisions of State Government. Local governments are subject to state authority and receive their powers from the state which created them.

Some cities operate under the special statutes enacted by the legislature prior to 1906, which serve as their charters; some operate under the 1893 General Incorporation Act. In either case, the statutes spell out in considerable detail provisions governing their organization and operation, although most such cities can and have adopted amendments by local action. Cities established since 1941 operate under the 1941 General Incorporation Act which prescribes organization and operation in much less detail. Once incorporated by petition and election under the general law, cities can adopt and amend their charters and most cities have done so. Until they do, state laws govern their organization and operations.

Counties, more than cities, have been identified as subdivisions of state government. Oregon counties were originally created by the legislature, without soliciting the consent or concurrent action of the people who lived within the boundaries that were established. However, today counties in Oregon provide a number of services and facilities not required by the state, and by adopting a charter (home rule), a county can enlarge its powers. Thirty-two Oregon counties have not adopted charters and continue to operate under governmental structure provided by state law. They must continue to seek enactment of a law by the state legislature every time they seek additional authority or want to change a procedure prescribed by the state.

County Home Rule. Four counties – Hood River, Lane, Multnomah, and Washington – have adopted home-rule charters.

By adopting a charter, a county can enlarge its powers, and assume "authority over matters of county concern."

The county home-rule amendment requires, with an exception to be noted presently, that a county charter prescribe the organization of the county government and "provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the county deems necessary." Except as general state law allows, however, the charter may not affect district attorneys or judicial officers in their judicial capacity.

The assumption of home rule by a county does not relieve it of its responsibilities as an agency of the state. The officers of the county, whatever their particular responsibilities under the charter of the county, must "among them exercise all the powers and perform all the duties . . . now or hereafter . . . granted to or imposed upon any county officer by state law." The charter may allocate the powers and duties differently than state law does, but it must make provisions for them to reside somewhere in the governmental structure of the county as it operates under home rule.

As home rule counties seek to deal with urban problems, there is the possibility that counties will adopt regulations which conflict with city regulations on the same subject or provide services that are already provided by some cities in the county. Because county home rule is new in Oregon, it is not possible to indicate with certainty how such conflicts and duplication will be resolved. There is reason to predict, however, that they will be resolved mainly on the basis of the general principle that "two . . . municipal corporations cannot . . . exercise like or similar powers in the same boundaries." Thus, the Attorney General of Oregon, in a recent opinion, has held that a home rule county can enact ordinances under its charter with approximately the same authority as a home rule city; but the county ordinance cannot be effective inside an incorporated city if the city has authority under its charter to enact similar ordinances. This would be true, according to the opinion, even if the city had not acted in this regard. However, in some areas, such as jurisdiction over public thoroughfares, the legislature has authorized the extension of county authority inside cities.

lines of inquiry

action ideas

Forming a City. Have students:

- (1) Examine the procedure that has been set up for the incorporation of a city.
- (2) Discuss the advantages of incorporation. Why, for instance, did Oceanlake, Taft, and Delake decide to form Lincoln City? Are there areas in your vicinity which should be incorporated? How do the citizens feel about it? If they should be incorporated, what can be done about it?

Evaluating City Government. Reproduce any of the six lists of questions in "Do You Know The ABC's of Your Town's Government?" (See Appendix.) Divide the lists up among teams from your class and ask each team to answer their questions by seeking help from the proper officials and analyze the answers. Do they reveal strengths anywhere? Are any weaknesses apparent? Have each team present its conclusions to the class.

Resources

Mumford, Lewis. *The City in History: Its Origins, Its Transformations, and Its Prospects*. Harcourt, Brace and World, Inc., New York, N.Y. 1961.

Lowry, Ritchie P. *Who's Running This Town?* Harper and Row, New York, N.Y. 1965.

Our City Government. Film: 9½ minutes, Elementary. Film Associates of California, 11559 Santa Monica Boulevard, Los Angeles, California 90025. \$120.

Water for the Community. Film: 11 minutes, black and white, grades 4-9. The uses, needs, sharing and distribution of water. *\$3.75. Also available from Coronet Instructional Films, 65 E. South Water Street, Chicago, Illinois 60601.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

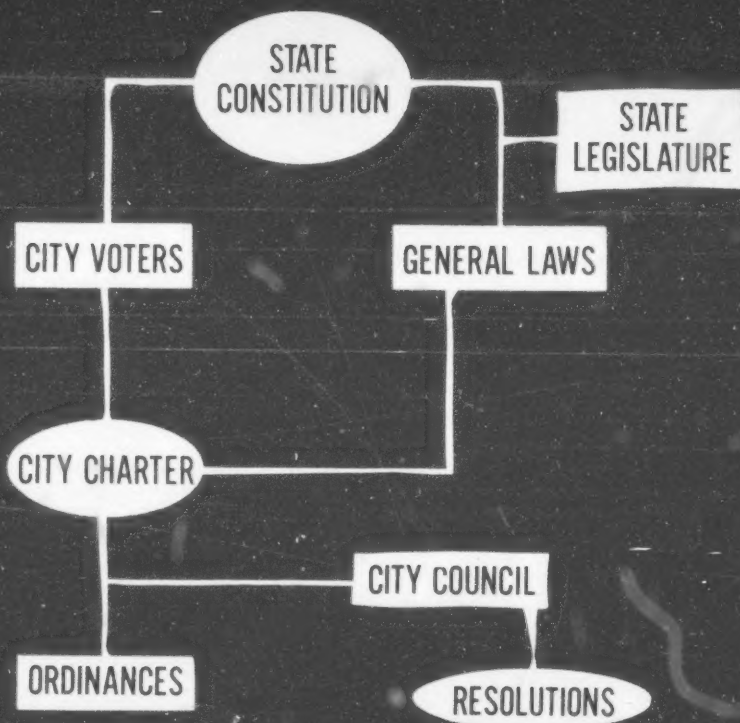
supporting information

City Home Rule. In 1906 the voters of Oregon amended the constitution to provide home rule for cities. They adopted two closely related amendments that the Oregon Supreme Court has many times said are to be read and construed together. One of the amendments reserves the initiative and referendum powers to the voters of every municipality and district. The other amendment concerns action by the legislature:

... The Legislative Assembly shall not enact, amend, or repeal any charter or act of incorporation for any municipality, city, or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the state... [Article XI, Sec. 2.]

It is still possible, however, for the legislature to supercede or negate a city charter or ordinance provision by passing a general law on a matter of predominantly statewide rather than local concern. In recent cases concerning Milwaukie and Bend, the Oregon Supreme Court has held that the legislature may enact general laws and apply them to cities but that, in cases of conflict between a general state law and a city charter or ordinance, the state law prevails if the subject matter of the conflict is a matter of predominately statewide concern, and the charter or ordinance prevails if the subject matter of the conflict is a matter of predominantly local concern.

home rule cities



SOURCES OF POWER

Ordinances, Regulations, Orders. In addition to the constitution, state laws, and local charters, counties and cities are governed by ordinances and regulations of their governing boards. An ordinance is a legislative enactment of a city or county, or a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Most charters prescribe the form of ordinances, require that they be read several times before final passage and, except in the case of emergencies, require that a certain time period elapse between readings. Furthermore, city ordinances, unless of an emergency nature, are subject to referendum.

Initiative, Referendum, Recall. The voters of units of local government under home rule have the power of initiative, referendum, and recall. In counties not governed by home-rule charters, the legislature may refer a law affecting one county only to the voters of the county for their approval, or the voters may invoke the referendum. They may also invoke the initiative and referendum with respect to ordinances of any kind which the legislature has previously empowered the county to adopt. However, except in home-rule counties, voters may not exercise the initiative with respect to matters which have not been delegated to the county by the legislature. (See page 261.)

lines of inquiry

The information in this section is intended to provide the facts about local government organization, functions, and limitations. A general knowledge of this kind is indispensable to those who would participate intelligently in the political processes that affect the future of every community.

Perhaps the best way for students to develop this knowledge in a meaningful way for them is to work with agencies of local government in either research or service oriented projects.

action ideas

Role Playing. Students can investigate the ways government affects the lives of individuals through a study of local building codes and zoning ordinances. Have each student design or bring a picture of a home he would like to build. Secure copies of the local building and zoning codes and ask each student to determine the proper steps and procedures to follow. Invite a local building inspector to discuss his job and the purpose of the codes and ordinances. Then have students construct cutaway models of their homes or prepare charts that will show how the building codes were implemented, step by step, during the construction of the home.

Community Agencies. Make a series of posters or cartoons suitable for display in the school room which would illustrate the work of community organizations and agencies in serving the family in special ways.

Starpower. Simulation Game. Students build a low-mobility three-tiered society through the distribution of wealth in the form of chips. The game stimulates discussions about the uses of power. Playing time: 1-2 hours. Western Behavioral Science Institute, 1150 Siverado, La Jolla, California 92037. Sample set \$3, kit for 18-35 players. \$25.

Resources

Background Information on Local Government in Oregon. Excellent source, really prepared as a handbook for county and city elected officials. Bureau of Governmental Research and Services, University of Oregon, P.O. Box 3177, Eugene, Oregon 97403. 1968. \$1.

supporting information

local

THE NATURE OF LOCAL RESPONSIBILITIES AND POWERS

Local governments were created by the state legislature to provide public services and facilities to people living in specific geographic areas, and to put control over such services and facilities in the hands of the people using them.

Local governments exercise substantive powers of two broad categories:

- (1) Police power
- (2) Power to make public improvements

In the exercise of these substantive powers, they may also invoke a broad range of procedural powers, such as:

- (1) Power to adopt ordinances
- (2) Power of eminent domain
- (3) Power of taxation
- (4) Power to issue revenue bonds
- (5) Power to contract

Police Powers. One of the most far-reaching and important powers that states have under the United States Constitution is the police power. Oregon has delegated this power very extensively to cities and to a lesser but increasing extent to counties.

Most Oregon cities have police power by virtue of their charters. The new charters that Oregon cities have adopted

government functions

during the last 30 years contain, in virtually every instance, a general grant of power to the effect that the city shall have all powers granted or allowed by the constitutions and laws of the state and the United States. However the old legislative charters usually delegated this power in particular terms. The 1901 charter of the city of Dallas, for example, empowered the council of that city:

To regulate auctioneers, taverns, hawkers, peddlers, pawnbrokers, hacks, cabs, hackneys, carriages, wagons, carts, drays, or other vehicles, wash-houses, laundries, and all offensive or noxious trades or occupations. . . .

To regulate the keeping of dogs and other animals and fowls; to prohibit animals and fowls from running at large. . . .

To prohibit the building and use of barbed-wire fences. . . .

To prohibit the smoking of cigarettes by any person under the age of eighteen years. . . .

Each of these powers is an example of police power.

To an increasing extent the legislature has been delegating police power to counties. By virtue of statutes counties have power, for example:

To enact and enforce zoning ordinances

To enact and enforce building codes

To impose curfews

To license certain activities

To regulate the use of county fairgrounds, parks, and buildings.

These powers are examples of police power in the narrow sense — power to preserve the public peace, safety, morals, and health. Police power is exercised in its narrowest sense by imposing regulations, often through licensing. Licensing of businesses and occupations may be for the purpose of protecting public health, safety, and general welfare, or for the purpose of protecting the licensees from unwarranted competition.

Zoning is another kind of police power of cities and counties. It is the division of an area into residential, commercial, industrial, agricultural, and other zones, and the regulation within each zone of the use of buildings and land, the height of buildings, setbacks from streets and other property lines, and density of population. It is intended to promote the public health, safety, convenience, and welfare. More specific purposes may be to prevent mixtures of land use which result in blight, congestion, and reduction of property values and to reserve adequate and suitable land for homes, businesses, industries, and agriculture. A zoning ordinance consists of detailed regulations and a zoning map with definitive boundaries between use zones.

Subdivision regulations provide the county with guidelines for the approval of plats. They specify procedures for plat approval; contain design standards for streets, lots, and blocks; and list improvements such as streets and utilities which are to be provided by the subdivider.

Building codes establish minimum standards of safe design and construction for structures to be constructed, altered, repaired, or moved.

The police power consists of more, however, than the power to regulate. For example, cities and counties in Oregon have power to provide sites and facilities for the disposal of garbage and refuse, which, although commonly supplemented with regulations, is not essentially regulatory. Yet, having as one of its purposes preservation of the public health, it is an exercise of the police power.

In recent decades the "general welfare" has increasingly come to be regarded as a proper concern of the police power, and "promotion" has come alongside "preservation" as an objective of the police power. Recently the Oregon Supreme Court ruled that a city zoning ordinance providing for exclusion of automobile wrecking yards from the city could be upheld on

lines of inquiry

Once again, students can confront the issue of majority vs. minority or individual rights by considering the purpose for the exercise of police powers by local governments and how the use of this power can be reconciled with the basic belief that the government's primary purpose is to protect individual rights and freedoms.

action ideas

Evaluating Local Government. Use the Jaycees' checklist "Analyzing local government." (See Appendix.) Ask the local Jaycees to form joint committees with members of your class and work through the checklist for an analysis of either your city or county government.

Present the committee's conclusions to the class, to a Jaycee meeting, or to officials of the governmental unit involved. Students might write news stories on the project and submit them to the local press, radio, or television station.

supporting information

aesthetic grounds alone. The case represents a notable expansion of the legal concept of the police power in Oregon.

Power to Make Public Improvements. Oregon statutes define public improvement as an improvement upon any real estate belonging to or otherwise to be used by the state, county, city, town, district, or other municipal subdivision of the state. A public improvement of a city includes all public works belonging to, or prosecuted by, the city. Examples of public improvements are:

- Public courthouses and city halls
- Public roads, streets, bridges, and sidewalks
- Public street lighting standards along streets
- Public parks, auditoriums, and stadiums
- Public museums, botanical gardens
- Public waterworks and sewage works

Some public improvements specially benefit adjacent property and are therefore financed by special assessments levied on the property. These are called "local improvements."

Power to Provide Proprietary Services. Cities and counties are empowered to perform or contract for certain services necessary to carrying on the ordinary functions of a municipality. "Corporate" or "proprietary" functions generally relate to services that a private business might provide as opposed to "governmental functions," such as police and

Resources

Tomorrow's Government Today. Film: 27 minutes. Sophisticated film for senior high students about the increasing complexity and scope of problems facing local governments. University of California Media Center, 2223 Fulton Street, Berkeley, California 94720. \$250.

fire protection, or licensing and inspections. Examples of proprietary functions are:

- Public lighting, electric power, and water which must be provided from day to day
- Spraying trees on the public domain
- Traffic control
- Street sweeping
- Garbage collections and disposal
- Recreational programs, swimming pools, auditoriums

Service to Unincorporated Areas* People living in the growing suburbs on the fringes of cities have needed and demanded municipal-type services and over the years these needs have been met in several ways.

 One approach to meeting the service needs of suburban areas is through annexation to existing cities. Annexation in Oregon may be initiated in either the territory to be annexed or by the city to which the territory is to be annexed, and must be approved in both the annexing city and the territory being annexed. City approval may be by action of the city legislative body or by action of the voters at an election. Approval in the area to be annexed may be provided by the voters at a special election conducted by the city or by the written consent of two-thirds of the property owners who own two-thirds of the land area which provides two-thirds of the assessed valuation of the property in the area being considered for annexation. The 1967 Oregon Legislature has provided that if the State Board of Health rules that a "health hazard" exists in an area adjacent to the city and if the city is in a position to correct the problem, then the city may annex such area without consent of either the voters or the property owners.

The residents of unincorporated urban areas may obtain services also from cities, counties, or special districts.

 The cities of Oregon generally have authority to provide various direct services such as water, sewerage, fire protection, park and recreation, to the residents or properties of the surrounding areas. However, many cities have adopted a policy that such services will not be extended to persons living beyond the city limits. The major extraterritorial regulatory power that the cities have relates to subdivision control for a distance of six miles beyond the

city boundaries if the county does not provide this control. Cities also have some regulatory powers related to city-owned property located outside city boundaries. The residents and property owners of unincorporated areas requiring urban type services may also obtain some of these from the county.

 Oregon counties are empowered by ORS 451.010 to create county service districts and may provide a variety of services within such districts. County service districts are administered by the county governing body with the assistance of local advisory committees. Services that may be provided within county service districts include:

- Sewage works
- Drainage works
- Street lighting works
- Public parks and recreation facilities
- Diking and flood control works
- Water supply works

Prior to 1967, the county service districts for the above purposes could be established only in unincorporated areas of the county. However, cities were authorized by the 1967 legislature to join existing county service districts and to be included within a proposed county service district that would provide area-wide service.

 The residents of areas that require urban type services may also obtain the services by incorporating a new city or by creating single purpose special service districts. In Oregon most of these special service districts have been organized in urban areas adjacent to incorporated cities, but others serve more isolated concentrations of population. Some of these districts which were originally created to provide only a single service are now authorized to provide several services. Thus water districts are authorized to provide a fire service, street lighting, and drainage.

The problems that have arisen as a result of the proliferation of governmental units within a single urban area or even an urban region have led to some consolidation and to efforts to increase intergovernmental cooperation.* The North Lincoln Beach area consolidation to form Lincoln City has been referred to previously. The cities of Milton and Freewater consolidated some years ago. The expansions of Salem and Coos Bay both involved superseding various

*Boundary boards were charged by the 1971 Legislative Assembly with responsibility for initiating consolidations or mergers wherever possible, or transferring functions to counties, to eliminate all unnecessary special service districts. No remonstrance proceedings were established. Boundary board decisions are final.

lines of inquiry

Students should confront such questions as the following:

Should government services be provided by small local units of government which remain close to the people they serve (as in the case of special districts) or should the economy and efficiency achieved through larger units of government be of primary concern?

action ideas

Special Districts. Have students, as individuals or in small groups, list some community problems under the following categories:

- (1) Education
- (2) Water pollution
- (3) Conservation
- (4) Mass transportation
- (5) Zoning
- (6) Ports
- (7) Air pollution
- (8) Rural recreation

Then the students investigate to see how many special districts have been formed in your area to deal with problems in these categories.

Mapping Service Areas. Students might make a map of their neighborhoods or community showing (in simplified form) how additional service districts have been added over the years to provide for an increased standard of living for many local citizens.

Transfer final map to transparencies, using overlay technique, for presentation to the class.

Resources

Peterson, Glen R. *Public Office at the Local Level*. Center for Information on America, Washington, Connecticut 06793. 35 cents.

Riker, William H. *Study of Local Politics*. Random House, Inc., 201 E. 50 Street, New York, N.Y. 10022. 1959. \$1.25. (Paperbound.)

supporting information

special districts as well as consolidating with adjacent cities. The organization of a sanitary authority in the Ashland-Medford area of Jackson County provides the first example in the state of developing an area-wide special service district.

FUNCTIONS OF SPECIAL DISTRICTS

Cemetery Maintenance Districts
Cooperative Telephone Districts
Diking Districts
Domestic Water Supply Districts
Drains and Drainage Districts
Flood Control Districts
Grasshopper Control Districts
Highway Lighting Districts
Hospital Districts
Irrigation Districts
Island Bridge Districts
Mass Transit Districts
Metropolitan Service Districts
Park and Recreation Districts
People's Utility Districts
Port Districts
Road Districts
Rural Fire Protection Districts
Sanitary Authorities
Sanitary Districts
Vector Control Districts
Water Conservation Districts
Water Control Districts

Cooperative Services. Inter-local relations in Oregon are characterized by numerous operating relationships among local units of government. Following are examples of relationships in some of the more important functional areas. The relationships in these functional areas are generally the same statewide, irrespective of urban-suburban-rural differences.

(1) **Property Tax Administration.** The responsibility for property tax administration at the local government level in

Oregon lies entirely with the county. Counties appraise and assess taxable property (in general law counties this duty is performed by an elected assessor), collect the taxes levied (in general law counties, this is performed by an elected sheriff), and distribute the revenue collected to the various taxing jurisdictions (in general law counties, performed by an elected treasurer). Counties operating under home rule in Oregon have combined some of all these functions into one department. For example, in Multnomah County all the administrative functions relating to property tax administration—assessment, collection, and distribution—have been consolidated into a Department of Finance.

Cities and special districts in Oregon are thus

dependent upon the counties for the effectiveness of property tax administration. Within limits prescribed by state laws and regulations of the Department of Revenue, counties bear a major responsibility for maintaining effective property tax systems, and the degree to which they are successful has an important bearing upon the ability of the cities and special districts to raise adequate amounts of revenue from property taxes. Poor assessment practices by the counties may create taxpayer resistance which puts the cities and districts at a disadvantage. Conversely, effective county administration aids the other local taxing units in maintaining adequate revenues. Other interlocal relationships in property tax administration include the service provided by county assessors in reviewing

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FUNCTIONS OF COUNTY GOVERNMENT IN OREGON

Functions, Programs, or Services Under County Courts or Boards

Agricultural extension services
Air pollution control
Building control
Cemeteries
Civil defense
Community mental health clinics
County airports
County fairs
County hospitals and nursing homes
County libraries
County parks and forests
County property management
Diking and flood control
Dog and cat control
Economic development
Fire protection
Garbage and refuse disposal

Housing code
Licensing
Mosquito and vector control
Museums, armories
Nuisance control
Planning, zoning, subdivision control
Predator control
Public health
Public housing
Public welfare
Roads—construction, maintenance, control
Sewage disposal and surface drainage
Street lighting
Surplus food
Urban renewal
Veterans services
Vocational rehabilitation
Water resource development
Weed control

Welfare work relief
Wholesale water supply
Youth work camps & youth care centers

Functions Under Other Elective Officers

Court services (county clerk, sheriff, constable, public guardians)
Elections (county clerk)
Jails (county sheriff)
Juvenile services (county judge or circuit judge)
Law enforcement (county sheriff)
Property records (county clerk)
Property tax administration (county assessor and county sheriff)
Surveying (county surveyor)
Treasury management (county treasurer)

FUNCTIONS OF CITY GOVERNMENT IN OREGON

Air pollution control
Building control
Cemeteries
Civil defense
Community mental health clinics
City airports
City fairs
City hospitals and nursing homes
City libraries
City parks and recreation
City property management and records services
Dog and cat control

Economic development
Fire protection
Garbage and refuse disposal
Housing code
Jails
Law enforcement
Licensing
Museums, armories
Nuisance control
Planning, zoning, subdivision control
Predator control

Public health
Public housing
Public welfare
Streets—construction, maintenance, control
Sewage disposal and surface drainage
Street lighting
Treasury management
Urban renewal
Water resource development
Weed control
Welfare work relief
Wholesale water supply

lines of
inquiry

action
ideas

supporting information

local budgets for legality and the services of the county treasurer in investing surplus local tax funds for the benefit of the local units.

(2) Elections Administration. According to state law, the county clerk or equivalent county officer has authority to exercise general supervision over the administration of the election laws by each local election official (except city election officials) in his county.

Cities have charter and ordinance-making authority to prescribe rules and regulations that are consistent with the general election laws of the state concerning city elections and are not subject to the rules and procedures prescribed by the county clerks.

In general, each unit of government is responsible for conducting its own election with the costs of administering, printing ballots, advertising, etc., to be borne by the local unit. Only when a statute or charter specifically requires the county to bear the cost of an election can a local unit of government expect assistance. For example, elections for Portland School District No. 1 must be conducted by the Registrar of Elections of Multnomah County. However, in this case the school district still must pay for the cost of the election. Also, a county must bear the expenses of regular city elections held at the same time as the general biennial election for state officers.



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Many units of local government rely on the county to conduct their elections, especially elections which coincide with the general or primary elections, with the county charging a pro-rata share of the cost of the local election back to the specific unit of government.

(3) Jails. Both cities and counties in Oregon have authority to maintain jails, and many cities and counties operate individual jail facilities. There are, however, numerous examples of cooperation between cities and counties through the joint use of jail facilities. Generally these cooperative efforts involve the cities contracting with the counties for the housing of city prisoners at the county jails.

(4) Planning Programs. In addition to the creation of joint planning agencies, there have

been numerous cooperative efforts among various units of local government to study a local problem or coordinate area plans on capital improvement programs. For example, joint studies have been undertaken by cities, counties, school districts and park and recreation districts in the Corvallis, Eugene-Springfield, and Klamath Falls areas.

(5) Parks and Recreation Programs. Most cities maintain active park and recreation programs, and a number of counties are developing parks. Several park and recreation districts throughout the state also provide similar programs, and school districts in the course of their educational responsibilities provide recreation facilities for their students. Relationships among these units of local government in this functional area are quite numerous.

lines of inquiry

action ideas

Metropolitics. Simulation. Game. Students take the roles of citizens of the Skelton Metropolitan area. Through persuasion and coalition formation they attempt to get one of four different forms of government adopted for the area. This game emphasizes content rather than process and is an excellent way to introduce groups to the opportunities and problems associated with various types of government found in metropolitan areas. Playing time: One hour. Western Behavioral Science Institute, 1750 Siverado, La Jolla, California 92037. Sample set \$3. Kit for 18-35 players. \$25.

Resources

A Visit to City Hall. Copies available from Visual Education Consultants, Inc., P.O. Box 52, Madison, Wisconsin 53701.

Mumford, Lewis. *The City in History.* Harcourt, Brace, and World. New York, N.Y. 1961.

What is a City? Film: 11 minutes, color, grades 4-9. Explains location and growth of cities. *\$4.50. Also available from Paul Burnford, 1431 Warner Avenue, Los Angeles, California 90024.

Cities and Protection: Protecting Lives and Property. Film: 8 minutes, color, grades K-3. Shows how law agencies work, and concern of business and government with pollution. *\$4.50. Also available through McGraw-Hill Films, 530 W. 42nd Street, New York, N.Y. 10037.

What is a Neighborhood? Film: 11 minutes, black and white, grades 1-3. Different kinds of neighborhoods and how neighbors can work together. *\$3.75. Also available from Coronet Instructional Films, 65 E. South Water Street, Chicago, Illinois 60601.

What Our Town Does For Us. Film: 11 minutes, black and white, grades 1-6. Billy looks into city government as he buys a bicycle license. *\$3.75.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

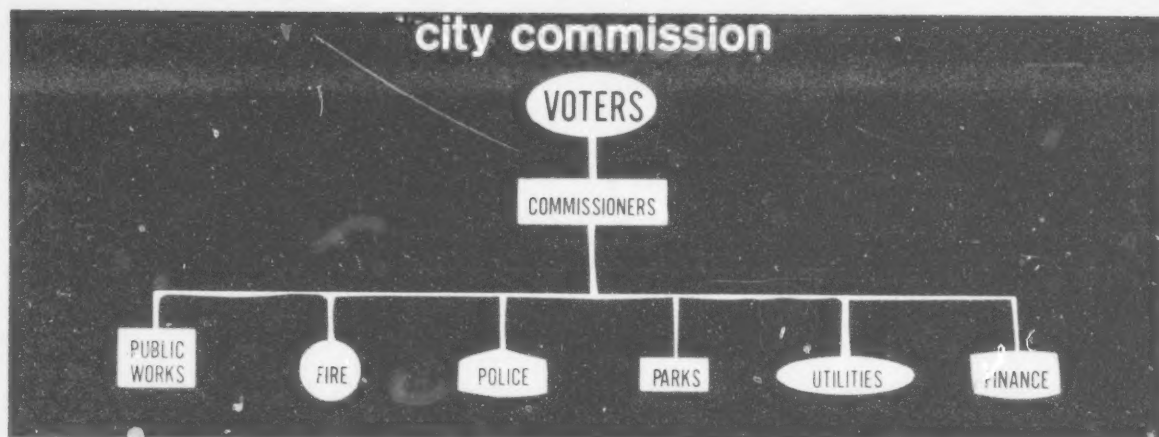
HOW LOCAL GOVERNMENTS OPERATE: FORMS OF LOCAL GOVERNMENT

The charters of Oregon cities and counties provide a variety of organizational patterns. The older cities of Oregon were incorporated during a period that was influenced by Jacksonian principles—the extension of suffrage, the popular election of a variety of administrative officials and boards, frequent elections, rotation in office, and a frank belief in the rightness of patronage. The long ballot, which persists in the county governments of Oregon and to a lesser degree in many cities, was consistent with Jacksonian democracy and also with the pure democracy of early New England town government.

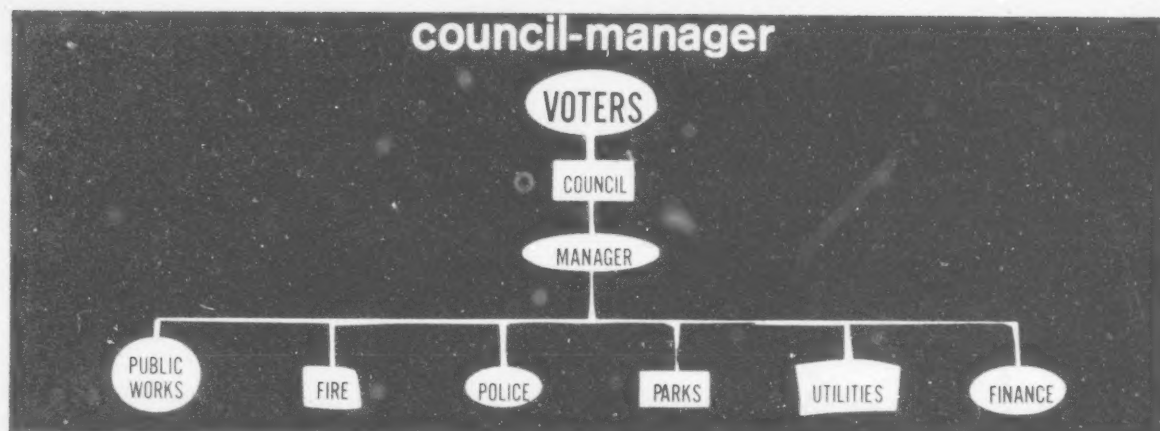
Forms of City Government. Just as the voters of the early New England town had been called upon to elect the town employes (including selectmen, clerk, constables, treasurer, tithing men, surveyors, field drivers, “pursons to look after ye act relating to Horses,” and fence viewers), the voters of early Oregon cities frequently elected their marshal, street superintendent, city attorney, treasurer, recorder, health officer, and poundmaster.

Another nationwide movement affecting the form of government in Oregon cities developed during the latter part of the 19th century and has continued to the present day. This is a movement in

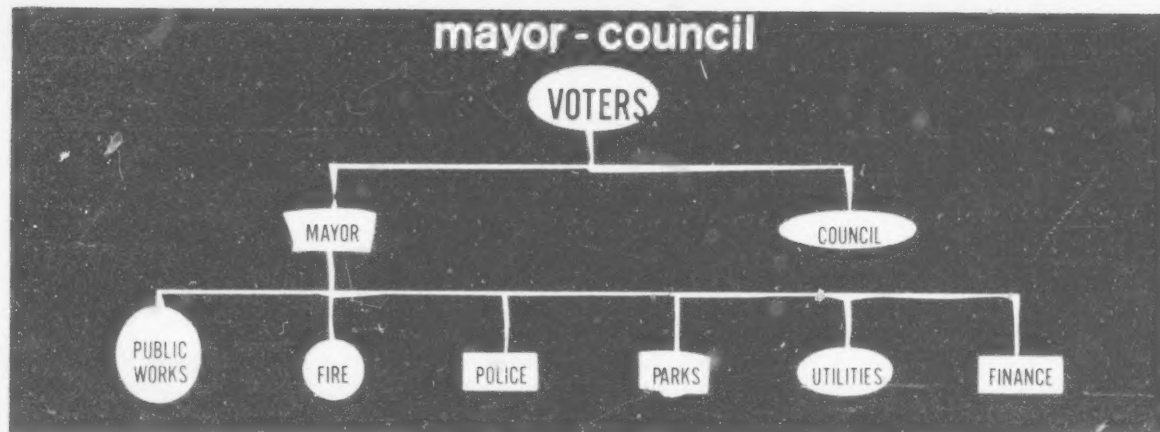
city commission



council-manager



mayor - council



Departments and functions vary according to size of city and voter determination.

lines of inquiry

Students should explore the relationship, if any, between the form of government and its performance. Does the city of Portland, which has the commission form of government, actually function better or worse than the city of Seattle, which has the mayor-council form? What are the ways to evaluate?

action ideas

Simulation of a Public Hearing. Students might play the City Council Game designed by Frances Harris of the Vancouver, Washington Public Schools. (See Appendix.) Use the script provided for the first time through the game. Then devise your own topics and variation of the game. Compare your experience in class with a newspaper account of the last ordinance adopted by your city council. Then have students write a paper in which they either defend or attack the assumption that private citizens can influence government officials in a way that brings change.

Resources

Cities and Recreation: Places Where We Play. Film: 8 minutes, color, grades K-3. How cities provide leisure time, recreation, play for people. **\$4.50.

Municipal Manpower Commission. *Governmental Manpower for Tomorrow's Cities.* McGraw-Hill Book Company, Inc., New York, N.Y. 1962.

Munzer, Martha E. *Planning Our Town.* Alfred A. Knopf, Inc., New York, N.Y. 1964.

Do You Know the ABC's of Your Town's Government? League of Women Voters, 130 M Street NW, Washington, D.C. 20036. 25 cents. (See Appendix)

Cities: The Rise of New Towns. Film: 60 minutes, black and white. Planning and construction of new communities in the United States. *\$12. Order No. CS-1703.

How to Look at a City. Film: 30 minutes, black and white. Observation of New York from an architect's point of view. *\$6.75. Order No. CS-1515. **\$5.

Cities. Editors of Scientific American. Alfred A. Knopf, New York, N.Y. 1965.

Abrams, Charles. *The City Is The Frontier.* Harper Colophon Books, New York, N.Y. 1965.

The City. Film: 11 minutes, color. Encyclopaedia Britannica Films. Scenes of a complex city, including many types of buildings, neighborhoods, transportation facilities, suburban areas, and city government. 1962. **\$3.75.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.

**Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

supporting information

which "efficiency and economy" have been the twin objectives and in which the structure and methods of city government have been influenced by the principles of modern business. The short ballot and a trend toward professional administration have characterized this period in Oregon.

Oregon has three forms of municipal government:



Today, 29 of the 32 Oregon cities with 5,000 population or more either operate under the true council-manager plan, or employ a full-time administrator with minor alterations of the manager plan. In the council-manager plan, the voters elect a council responsible for legislation and policy-making, and the council employs a professional administrator who is responsible to the council. The council controls the raising and appropriation of funds, levies taxes, and contracts debts. The manager is responsible for carrying out the policies adopted by the council, supervising the expenditure of funds appropriated by the council, supervising the work of the administrative departments, and making all appointments of administrative personnel.



All of the cities of Oregon were originally incorporated under the mayor-council form of city government, and the original charters have, to a varying degree, embodied features of the weak mayor form. Under this plan, the administrative department

heads and members of administrative boards are either elected by the people or selected by the council. Most appointments made by the mayor are subject to council approval and the mayor's power of removal is limited. The mayor may have the veto power over ordinances passed by the council, but this usually may be overridden by a simple or two-thirds majority of the council. The mayor ordinarily is charged with the responsibility of overseeing the work of the various administrative departments and of seeing that the laws of the city are properly enforced. The weak mayor plan is probably best adapted to small cities in which there are few, if any, full-time city employes and in which the limited objectives of city incorporation can be accomplished largely by volunteer and part-time service.



In Oregon the commission plan is in operation in its true form in Portland, and the plan in modified form has been used historically in several other Oregon cities. Under this plan there is a concentration of all powers of the city government in the hands of one body of commissioners. The number of commissioners varies from three to nine, with five being the most common number. The commissioners' terms of office range from two to six years. Collectively the commission serves as the city council, and individually the commissioners serve as heads of the city's various departments.

Forms of County Government. The chief characteristics of traditional county government organization are the existence of a great number of elective department heads who are largely free from the control of an elective governing body, and the absence of any form of chief executive office. However, as in all municipal governments, some control is exercised through budget appropriations by the county commissioners.

Elective county department heads in most Oregon counties include, as a minimum, a sheriff, assessor, clerk, treasurer, and surveyor (although the latter office is in several counties combined with the position of county engineer). Additional elective administrative offices occurring in a few counties include the recorder, constable, auditor. Also elected on a county basis, but usually considered state officials, are the county attorney, justices of the peace, and circuit and district court judges.

Most of these elective county offices can trace their historical origins back at least to the first days of statehood in Oregon. Several can identify their antecedents as established during colonial times, and at least one—the sheriff—has a genealogy dated back to Anglo-Saxon institutions prior to the Norman Conquest. The key historical fact which helps to explain the status of these offices today is that each of them was established as an agency of some higher authority, rather than as a representative of the local citizens.

Originally, county governing bodies as such (in Oregon, county courts and boards of county commissioners) were superimposed upon the preexisting structure of independent administrative officers to act as a fiscal agent of the people in controlling the expenditure of county funds. Only in quite recent years have county governing bodies emerged as instruments for the formulation of local policies and the supervision of county government generally.

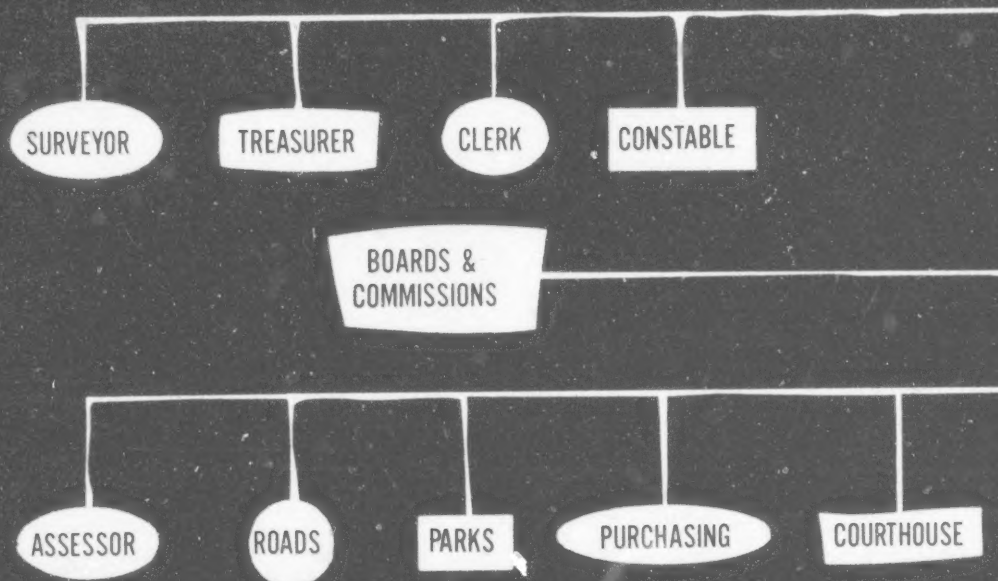
County functions have grown rapidly in both number and complexity during the past fifty years, and there has been a commensurate increase in interest in modernizing the form of county government. Almost 40 kinds of programs may be administered by county governing bodies in Oregon today, in addition to the nine programs still under the jurisdiction of independent elected administrative officials (see chart). Annual county revenues and expenditures in Oregon exceed \$150 million. The need for fixing administrative responsibility in a central executive office has been recognized by many students of government, county officials, and citizens.

Substantial organizational change has been accomplished in the four counties in Oregon—Hood River, Lane, Multnomah, and Washington—which adopted home-rule charters. Two types of patterns have emerged.

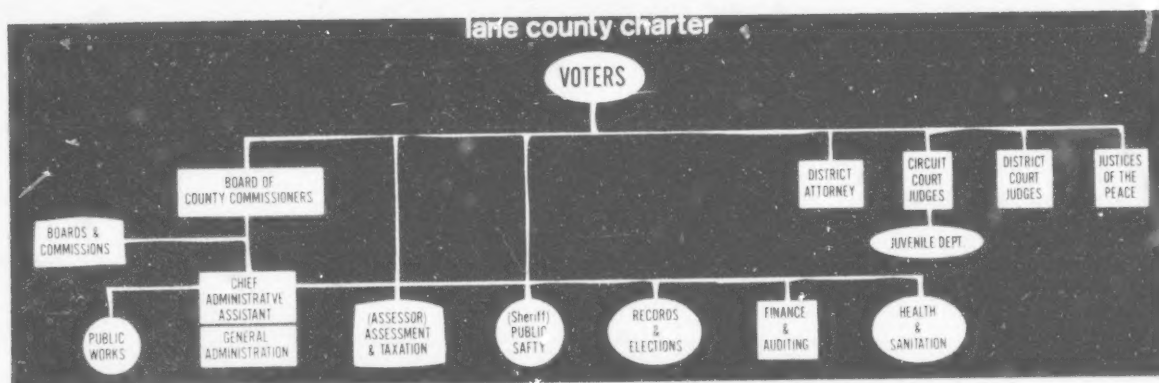


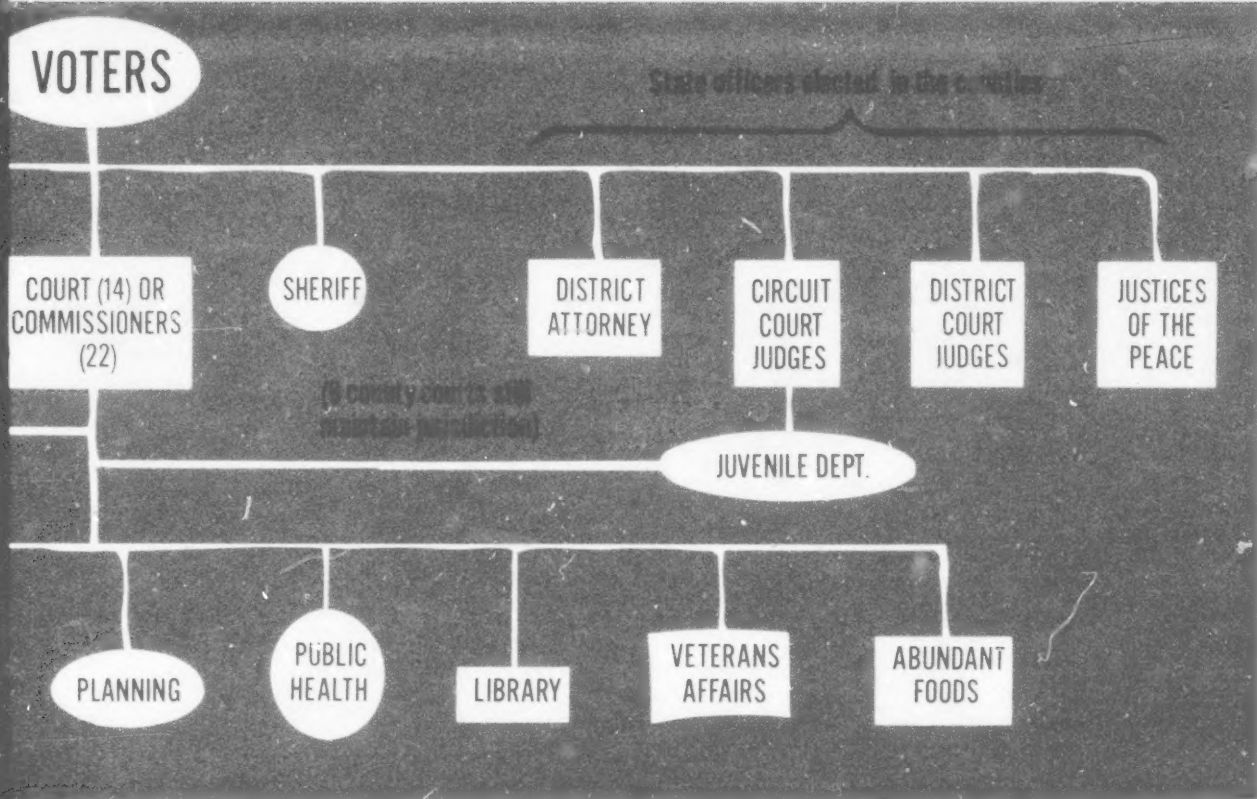
County Administrative Officer Plan. Hood River, Washington, and Lane Counties have adopted some form of the county administrative officer plan. The elected board or council retains ultimate responsibility for both legislative and administrative functions, but it appoints an administrative officer whose duties are to coordinate the various county departments by authority of the elected board and to advise the board on matters which come before it. Fre-

typical county organization

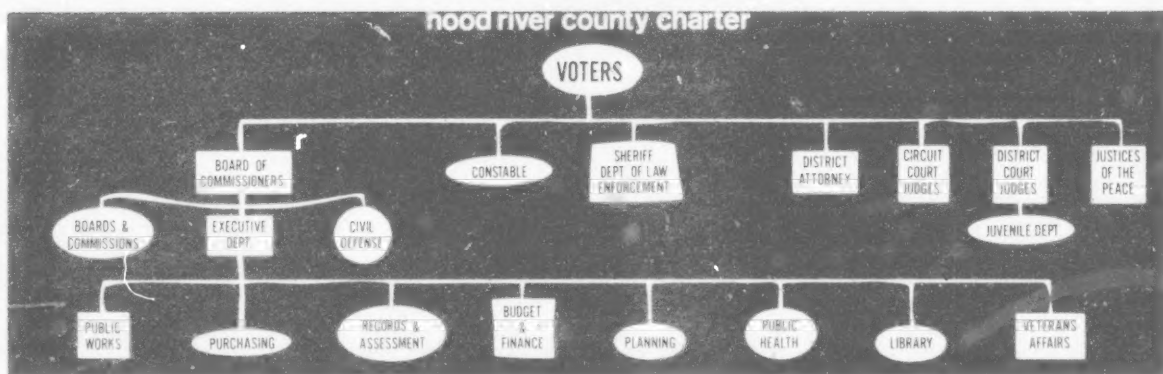


large county charter





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lines of inquiry

action ideas

Identifying Leadership. Students should examine their city government (or any other governmental unit) to determine the formal and informal power structures:

- (1) Prepare an organizational chart which purports to illustrate the way power is distributed and used in the unit.
- (2) Through personal observation, interviews, and reading of newspapers, determine where (if not the same as the formal) the real power lies. It might be with certain individuals, or particular groups or organizations.

supporting information

quently the administrative officer is concerned primarily with budgeting, personnel, fiscal controls, and other "housekeeping" functions. Under this plan there has usually been a substantial reduction in the number of elected administrative officials.

(2) **Elected Executive Plan.** The elected executive plan is similar to the "strong mayor" form of government for cities. In Oregon, only Multnomah County has adopted it. Under this plan, the chief executive of the county is elected directly by the people and he appoints department heads, with the approval of the Board of County Commissioners. As in the strong mayor plan for cities, the elected executive is also a member of the governing body and is usually the chairman. Among the roles of the County Commissioners, policy development and legislative functions are the most important. As in other plans for reorganizing counties, the independent elective administrative offices are substantially reduced or eliminated completely.

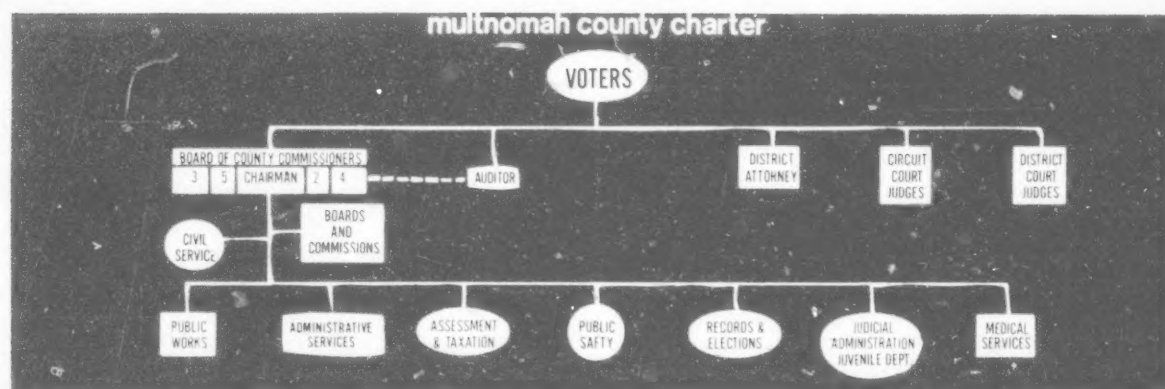
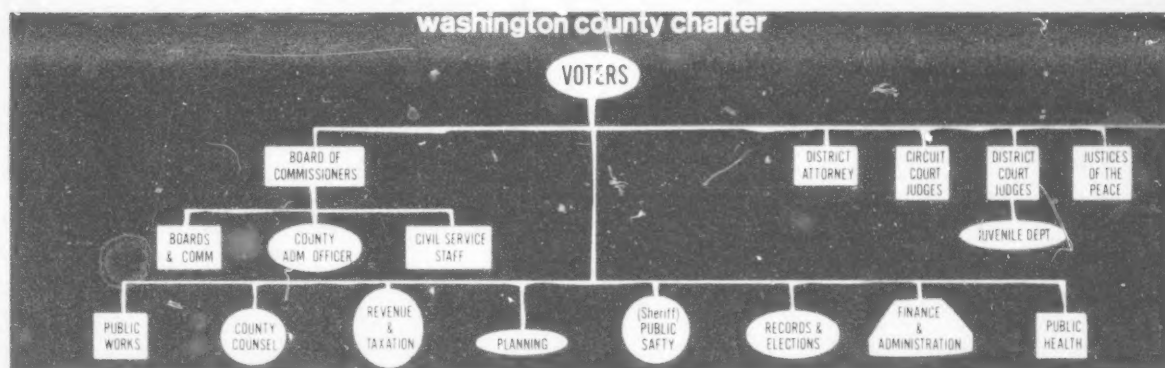
Form of Special District Government. Special districts are governed by a board of directors, elected by the residents of the district. Most special districts have no employees, except perhaps for an attorney or engineer on retainer, and a part-time maintenance man.

Resources

Prospects of Survival. Film: 30 minutes, black and white. Examines the crucial issues on which peace and survival rest. *\$6.75. Order No. CS-1788.

The Banquet of Life. Film: 60 minutes, black and white. Man's efforts to feed his ever increasing numbers. *\$12.

*NET Film Service, Indiana University, Audio-Visual Center, Bloomington, Indiana.



George E. Chamberlin, Governor of Oregon (1903-1909) during the heyday of the People's Power League and the populist movement which brought the adoption of the initiative and referendum and city home rule. Chamberlin resigned as Governor in 1909; served as U.S. Senator from 1909 to 1915.

lines of inquiry

Probably one of the least understood agencies of government is the bureaucracy that operates the public schools. The surest method for developing a healthy interest in education as an institution is through an examination of the decision making channels which translate educational philosophy into the policies that directly impinge on curriculum and student behavior; the two aspects of education of most interest to students.

action ideas

Role Play a Pioneer School. Have students do the needed research on the history of schools in Oregon and then spend one day in a classroom situation as much like the early school as they can arrange. To be more realistic, it may be necessary to organize two "schools" in opposite ends of the room in order to keep to the size of the early schools.

Be sure students consider:

- (1) Textbooks and subjects to be studied for the day
- (2) Writing paper, pen, ink, or pencils
- (3) Games and equipment to be used during recess and noon hour
- (4) Lunch

Afterwards, students might create a short skit or playlet about such schools and perform for the P.T.A.

Resources

Chandler, B.J., Stiles, Lindley J., and Katsue, John I. (eds.) *Education in Urban Society*. Dodd, Mead, and Company, New York, N.Y. 1962.

Perkinson, Henry J. *The Imperfect Panacea: American Faith in Education, 1865-1965*. Random House, New York, N.Y. 1966.

Woodring, Paul. *Introduction to American Education*. Harcourt, Brace, and World, Inc., New York, N.Y. 1965.

Allen, F.L. *Big Change*. Bantam Books, Inc., 666 Fifth Avenue, New York, N.Y. 10017, 1961.

"300 Years at a Glance," *American Education*, March 1967.

supporting information

school

ORIGIN AND GROWTH OF SCHOOL DISTRICT GOVERNMENT IN OREGON

One of the most important units of local government is the school district. In 1787 the Northwest Ordinance provided the framework for public education in Oregon. At Champoege, in 1843, the founders of Oregon's provisional government agreed to favor public-supported education and quoted from the Northwest Ordinance: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and means of education shall forever be encouraged." However, no definite action was taken toward establishing public schools until after Congress created the Oregon Territory in 1848.

When Oregon became a state in 1859, the constitution made education one of the principal responsibilities of the new state government. It specified that the Governor should serve as Superintendent of Public Instruction for the first five years.

Oregon's first four governors did, in fact, so serve for a period of 13 years. But Governors Whiteaker, Gibbs, Woods, and Grover all found themselves so overwhelmed by other duties that little was

government foundations

accomplished beyond the first school report, for which Governor Gibbs paid out of his own pocket.

It was not until 1872 that the legislature provided for election of the Superintendent of Public Instruction and outlined responsibilities of state, county, and local educational administration. The legislature created a State Board of Education consisting of the Governor, Secretary of State, and Superintendent of Public Instruction. The Board was empowered to authorize common textbooks, provide for school government, and grant teaching certificates. Members of the Board also served ex officio as regents of various state colleges and universities until the State System of Higher Education was placed under a single separate board in 1929.

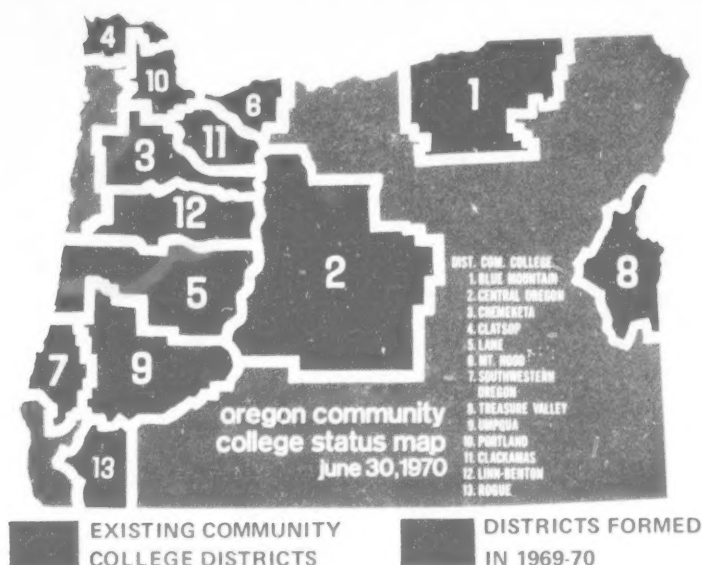
In 1951, the legislature provided for appointment by the Governor of a seven-member State Board of Education, made the Superintendent of Public Instruction its administrative officer, and authorized the creation of the State Depart-

ment of Education. Today the Board exercises general supervision of:

- (1) Public elementary and secondary schools
- (2) Community colleges
- (3) Adult education programs offered by the public schools
- (4) State Schools for the Deaf and Blind

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In Oregon, the state-supported four-year colleges and universities are not a part of the "public school system." They are governed by a State Board of Higher Education, which appoints a Chancellor as its chief administrative officer. Headquarters for the State System of Higher Education are in Eugene. In recent years, to achieve greater coordination of Oregon's college, community college, and public school activities and programs, the legislature established an Educational Coordinating Council, made up of representatives of higher education, community colleges, and the public schools, with an executive secretary and staff and with headquarters in Salem.



How School Districts Were Created.

The legislature has provided for the creation of three general types of districts to govern local school operations in Oregon:

- (1) Local school districts which actually operate elementary or secondary schools and are organized as elementary, unified, union high school, county high school, and county unit school districts
- (2) Intermediate education districts at the county level which provide services to school districts and serve as the middle link between state and local school district government

lines of inquiry

One of the best ways to deal with the study of education and the operation of public schools is through student involvement. It provides unprecedented opportunities for direct observation, access to primary sources, critical thinking, dialogue, synthesis, and seeking solutions to problems that matter as much to the student as they do to the teacher and other adults.

One of the questions students should consider is how the organization of a school and school district affects equality of opportunity in terms of each individual's attitudes about himself and his ability to learn. What is at stake in decisions about the size of a district, or a school, or a classroom? The use of homogeneous or heterogeneous grouping? Racial integration?

Another question which should be considered is how the organization of school districts affects tax burdens and the financial support of schools. What kinds of people are, in fact, providing most of the support for schooling? Is the economic burden equitable? Are there legitimate grounds for the traditional belief that each district should determine the extent of financial support it will give to its schools? (See page 86.)

action ideas

Understanding Issues. Poll the community and conduct debates on questions such as the following:

- (1) No school should enroll more than 700 to 1,000 students.
- (2) People with no children in the public schools should not pay taxes to support the schools.
- (3) Placing students in educational "tracks" is an effective educational device.

Sharing Viewpoints. Invite a representative of the Intergroup Human Relations Commission of the Oregon Board of Education to discuss the problems of integration in Oregon. Also invite members of other minority groups not customarily consulted on school questions: critics of the school, officers of taxpayers alliances, politicians.

Resources

Campbell, Ronald F., et. al. *The Organization and Control of American Schools*. Charles E. Merrill Publishing Company, 1300 Alum Creek Drive, Columbus, Ohio 43216, 1965.

Conant, James Bryant. *Education and Liberty*. Vintage Books, Random House, Inc., 201 East 50th Street, New York, N.Y. 10022, 1953.

Conant, James Bryant. *The American High School Today*. McGraw-Hill Book Company, 330 W. 42 Street, New York, N.Y. 10036, 1959.

Fesler, James. *The Fifty States and Their Local Governments*. Alfred A. Knopf, Inc., 201 E. 50 Street, New York, N.Y. 10022, 1967.

Griffiths, Daniel E., et. al. *Organizing Schools For Effective Education*. Interstate Printers and Publishers, Inc., 19 N. Jackson Street, Danville, Illinois 61832, 1962.

Goodman, Paul. *Growing Up Abused: Problems of Youth in the Organized System*. Random House, New York, N.Y. 1960.

Friedenberg, Edgar Z. *Coming of Age in America*. Random House, New York, N.Y. 1965.

Coleman, James S. *Equality of Educational Opportunity*. U.S. Government Printing Office, Washington, D.C. 1966.

Cran, Robert L. *The Politics of School Desegregation*. Aldine Publishing Company, 529 S. Wabash Avenue, Chicago, Illinois 60605, 1968.

supporting information

- (3) Community college districts, formerly called area education districts.

Local school districts were originally created within counties by petition and vote of the people. Today new districts are created by consolidation or annexation procedures which change the boundaries or functions of existing districts.

At one time, local school districts were much smaller and more numerous than they are today. The greatest number of districts was reached in Oregon about 1920 when there were more than 2,500. Improved roads and the advent of school bus transportation following World War I led to the merger of many small districts with adjoining larger districts. During the period between 1919 and 1959, 1,897 school districts were dissolved by consolidation and annexation. By the end of 1970 the number had decreased to 350, with enrollments of from two to 75,000 students.

Intermediate education districts were created by the legislature in 1963. They evolved from the office of county school superintendent, created in 1862 to provide guidance to many small and scattered rural schools. In 1945 the legislature created county-wide rural school districts in an effort to build stronger units and the county superintendent was given responsibility for local school district reorganization. Today Oregon has 29 IEDs.

one of which embraces two counties. (Six counties are organized as operating school districts.)

Community college districts are still being formed in Oregon. They are created by petition and election. Ten percent, or 500 (whichever is less) of the qualified voters of a geographic area may petition the State Board of Education for the establishment of a community college district. Statutes require the State Board to make sure that: (1) the boundaries of proposed districts, which may cross county lines, include all territory that might be materially benefited by the proposed community college, (2) the proposed district will include at least 1,500 high school students, (3) adequate feasibility studies are conducted in the affected area, and (4) it will have adequate local financial resources with available state aid. If all legal requirements have been met by the petition, an election to permit voters of the proposed district to approve or disapprove its establishment, to elect board members, and to approve a budget is conducted by the Oregon Board of Education.

Over the past decade, Oregon's community college system has grown from one program with limited offerings in 1960 to 12 functioning community college districts in 1970. The system continues to grow toward its anticipated maximum of 15 districts. In November 1970, Josephine County voters took the first step toward formation of a Rogue Valley district—approving not only formation of the district, but also passing a five-year serial levy to provide the district's share of operational expenses.

Addition of Rogue Valley to the state's community colleges is in line with the Oregon Board of Education policy of putting community colleges within geographical reach of all citizens—placing such institutions within a

30-minute drive of at least 90 percent of the potential student population. Areas of the state not included in community college districts are being encouraged to seek orderly annexation to existing districts.

Growth of School District Operations. Public education is one of Oregon's largest industries. In the 1969-71 biennium elementary and secondary school districts had operating budgets totalling \$461 million; school building construction contracts close to \$74 million; 1,340 buildings in operation worth approximately \$95 million; 40,000 employees and over 500,000 students. It is estimated, however, that Oregon's student enrollment in elementary and secondary schools reached a peak in the 1969-70 school year and has started to decline. The Governor's Budget Report for the 1967-69 biennium stated that "school-age children will be fewer in number as time goes on for at least the next six years, unless major migration to the state occurs."

Community college operating budgets in 1970 amounted to \$23.48 million and since 1963 Oregon has invested \$35 million in 46 new community college buildings. Enrollments totalled 90,500 students in 1970 and for the biennium showed a 50 percent increase over 1966-1968.

Enrollment projections indicate an increase from 60,000 to 70,000 students in Oregon's state-supported colleges and universities in the 1970's. Operating costs approached \$189 million in 1970-71 and appropriations for capital construction for the biennium totalled \$38 million.

These statistics will give students some idea of the involvement of state and local government in education and of the need for efficient organization and governing procedures.

lines of inquiry

To understand the full weight of the legal framework within which each school must operate, students might explore questions such as these:

What is meant by the assertion that education is a public monopoly?

Should the public schools encourage conformity to a common standard of values? Do they?

How do the values of a community affect the rights which the schools extend to students? Should they? To what extent does the economic system shape and control the schools?

One way to increase student awareness of the growing inclination to grant students the responsibilities and rights of citizenship would be to discuss the probable genesis and implications of the following laws, passed by the 1971 Legislative Assembly:

(1) Conversations between a school staff member and students are confidential. They cannot be used in civil court without consent. Violation of that trust can mean the loss of certification.

(2) Student records cannot be used in court if they may tend to damage or incriminate the student or his family.

(3) Local school boards must set up and distribute a student conduct code which complies with standards set by the State Board of Education.

(4) Teachers may use "reasonable force" on a student in order to maintain class discipline, should the need arise.

(5) A student and his parents must pay for damage of school facilities.

action ideas

Value Conflicts. Have students search through newspapers and current periodicals to find evidence of various pressure groups attempting to influence the public schools. What kinds of values are represented? How are the schools resolving value conflicts? Are any trends discernable?

Debate. To help students clarify their own attitudes about the nature of individual freedom and responsibility, ask them to submit arguments for both sides of the question: "Neither the Fourteenth Amendment nor the Bill of Rights is for adults alone." Then ask them to compare their own arguments to those of the Supreme Court in *In re Gault* and related decisions. (Ask a local attorney-at-law to provide you with copies of the full text of majority and dissenting opinions in cases which relate to this question.)

Role Playing. Should there be any limits on what students wear to school or on how they groom themselves? Should there be any limits on rules the principal of a school can make regarding student dress and grooming?

To understand the constitutional law applicable to these questions, use case No. 1, *Ferrell vs. Dallas Independent School District*, in *Voices for Justice: Role Playing in Democratic Procedures*, by Quigley and Longaker, Ginn and Company, Boston, Massachusetts, 1970.

Resources

"School Rules and the Constitution," Chapter 15 of the *Juvenile Law Handbook*, Oregon State Bar Committee on Continuing Legal Education, 808 SW 15th Avenue, Portland, Oregon 97205.
Cohen, W., Schwartz, M., Sobul, *The Bill of Rights: A Source Book*, Benziger, Inc., 260 Park Avenue, New York, N.Y. 10010, 1968.

Social Responsibility in a Free Society, Educational Policies Commission, National Education Association, Washington, D.C. 1963.

supporting information

school

LEGAL FRAMEWORK OF SCHOOL DISTRICT AUTHORITY

School districts derive their governmental authority from the legislature. The power of the legislature to delegate authority for school operation is derived from the Tenth Amendment of the United States Constitution, which reserves all powers not specifically mentioned in the Constitution (and responsibility for education is not) to the states or to the people, and from the provisions of Oregon's constitution, mentioned earlier. Oregon statutes establish in essence that:

(1) Education districts are municipal corporations, which means that they have continuous legal identity, regardless of the change in membership of their governing boards, and they have the power to contract.

(2) Education districts (local, intermediate, community college) are subdivisions of state government—their organization and authority prescribed by the legislature, their operations monitored by the State Board of Education and the Superintendent of Public Instruction. In actual practice, however, the legislature has recognized that a considerable degree of local control of education is essen-

government framework, functions

tial and has placed heavy responsibilities on district boards of education.

(3) In addition to statutes and State Board of Education policies, education districts are governed by policies and actions ratified at a regular or legally called meeting of the district board and recorded in the minutes of that meeting.

(4) Although the people do not have the right of initiative and referendum in school district government, they do have the right to recall school board members. Also, actions of the district board concerning individuals may be appealed to intermediate education district boards, to the State Board of Education, and to the courts. Cases involving the revocation of teaching certificates are heard and decided by the Superintendent of Public Instruction and may be appealed to the State Board of Education and then to the courts.

CONSTITUTIONAL LIMITATIONS OF SCHOOL DISTRICT AUTHORITY

The fundamental limitations placed on the authority and power of all levels and units of government by the Bills of Rights of the federal and state constitutions and the Due Process Clause of the Fourteenth Amendment to the United States Constitution apply also to school districts. Following are three important examples of how constitutional limitations, and their interpretation by the courts, circumscribe school government.

Education Becomes a Right.* The body of law governing student-school relationships is still in a state of evolution. The essential conflicts underlying each case—the duty of the school to educate in face of the equally important need to protect the free flow of activity and thought of individuals—remain constant. It is in the resolution of the conflict that the focus shifts constantly. For example, in the Twenties the court

used the following language:

"There is no unconstitutional restraint on liberty or infringement on happiness, in depriving a child of the *mere privilege* of securing an education at the expense of the state until he is willing to submit to all reasonable regulations made in the interest of efficiency and discipline." (Emphasis supplied). *Flory v. Smith* (Ga 1926).

Such a statement may still be sound as to its approval of "reasonable regulations," but no one speaks of "mere privilege" today. In view of the economic necessity for education it is not surprising that the courts have ceased to speak of "mere privilege" and use the word "right" instead. In *Brown v. Board of Education of Topeka* (1954), the court, speaking through Justice Warren, said:

In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a *right* which must be made available to all on equal terms. (Emphasis supplied.)

Once the "mere privilege" had evolved into a "right," then the door was opened to the grand incidents of constitutional protections, and the spirit of *In re Gault* (1967) has broadened the constitutional community to include young persons within the protection of the Due Process Clause of the Fourteenth Amendment in a great variety of ways. Justice Fortas's phrase "... neither the Fourteenth Amendment nor the Bill of Rights is for adults alone," has had a tremendous impact, and its implications have not been lost on younger citizens.

Thus, while the doctrine of *in loco parentis* was in full force, the court would not review the discipline of students for violation of school regulations unless it could be shown that the school board had acted maliciously, in bad faith,

*Excerpts from the *Juvenile Law Handbook*. (See suggested resources under "Action Ideas.")

lines of inquiry

In a democracy, it seems essential that young people learn to think of academic freedom, not as a special privilege or a concession of rights, but as "a condition which society imposes upon itself as essential to its own continuing criticism and advancement, the condition of free, creative thought and expression."

Students need to confront their own and community attitudes toward freedom of speech and expression and should be aware of the responsibility of each citizen to protect and use it. The following statement by Sterling McMurrin, former Commissioner of Education, might be used as a starting point for examining the implications of this responsibility.

"The teacher who from fear, indifference, or a failure of understanding is unable to grasp... freedom in the moment of decision, preferring the safety of silence and conformity, or the anonymity and ambiguity of indecision, may win the approval of the majority, but in so doing he may betray the high responsibility which his society had conferred upon him. . . .

"The academic freedom of a teacher is a professional responsibility to his subject, to his students, and to society—a genuine commitment to truth, intellectual integrity, a personal restraint with due regard for propriety and established usage, a sense of fitness and appropriateness, and wisdom in both statement and action."

action ideas

Evaluating Policies. Students might compare opinions of the Supreme Court and official statements of academic freedom from the American Association of University Professors and the Oregon Education Association with the policies of the school board in their own district. The class as a whole may wish to compose a report of its findings and recommendations and present it to the board.

Resources

Academic Freedom and Responsibility in High Schools and Community Colleges. Speech delivered by Superintendent of Public Instruction Dale Parnell, 1969. Available from the Documents Clerk, Oregon Board of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310.

Standards of Performance for Oregon Educators. Developed by the Teacher Standards and Practices Commission and adopted by the Oregon Board of Education, August 1970. Available from the Documents Clerk, Oregon Board of Education, 942 Lancaster Drive N.E., Salem, Oregon 97310.

Juvenile Law Handbook. Oregon State Bar Committee on Continuing Legal Education, 808 SW 15th Avenue, Portland, Oregon 97205.

"Academic Freedom and Tenure; 1940 Statement of Principles." *Bulletin of the American Association of University Professors*, 42:41-6, 1956.

"Statement on Academic Freedom of Students." *Bulletin of the American Association of University Professors*, 51:447-8, 1965.

Freedom to Teach, Freedom to Learn: A Discussion Paper on Academic Freedom. Educational Policies Commission, Oregon Education Association, 1 Plaza SW, 6900 SW Haines Road, Tigard, Oregon 97223, 1971.

Chanin, Robert H. *Protecting Teacher Rights: A Summary of Constitutional Developments.* National Education Association, Washington, D.C. 1970.

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arbitrarily, or unreasonably. For a student to prevail, that burden was his to meet. Now, with the shift of focus away from the theory of *in loco parentis* and toward the constitutional protection of student's rights, the burden of justification shifts to the school authorities. The leading "hair" case among those upholding the students (*Breen v. Kahl* 7 Cir 1969) enunciated the rule that when the fundamental constitutional issue had been established, "to limit or curtail this or any other fundamental right the state has a substantial burden of justification." (Emphasis supplied.) Or, as other decisions have put it, there must be a *compelling reason*.

Procedural Due Process.* The importance of due process is heightened as education falls more and more under the protective mantle of the Bill of Rights, for as Justice Frankfurter says in *McNabb v. United States* (1943), "The history of liberty has largely been the history of observance of procedural safeguards."

Today, as a result of several court decisions, when a student faces outright expulsion, meaning the termination of his right to attend school more or less permanently, or for a substantial period of time, such an expulsion requires a hearing. An administrative hearing, the consequence of which may be the expulsion of a student or other loss of a substantial right, is quasi-judicial in nature, and therefore the minimum standards

*Excerpts from the *Juvenile Law Handbook*. (See suggested resources under "Action Ideas.")

of procedural due process must be met:

- (1) The right to adequate notice
- (2) The right to counsel
- (3) The right to confront witnesses

The need for procedural due process in matters relating to personnel administration is also coming to the fore, as illustrated by recent efforts of the Oregon Teacher Standards and Practices Commission to secure the adoption of fair dismissal procedures for certificated personnel. The Teacher Standards and Practices Commission, a 16-member advisory body to the State Board of Education and the Superintendent of Public Instruction, was established by the 1965 Legislative Assembly. The commission, in a position paper on the subject, indicated the need to augment existing teacher contract laws and assure that fair dismissal rights be accorded all certificated personnel and be embodied in every type of contractual agreement between the school board and the professional educator.

Freedom of Expression and Academic Freedom. "In addition to the right of a fair hearing and related procedural safeguards, court interpretations of the First and Fourteenth Amendments have been, in essence, that no teacher may be dismissed, denied reappointment, reduced in rank or compensation, or otherwise deprived of any professional advantage because of the exercise of constitutional rights or for arbitrary or discriminatory reasons.

"The following excerpts from United States Supreme Court decisions indicate the extent to which the courts have been jealous guardians of First Amendment rights when freedom of expression is involved:

"In *Keyhisan v. Board of Regents* (1967), the Supreme Court repudiated in its entirety the ancient distinction in constitutional status between public and private employees whereby 'public employment, including academic employment, may be conditioned upon the surrender of constitutional rights which could not be abridged by direct government action.' The Court said:

This nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all citizens and not merely to

the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.

"In *Epperson v. Arkansas* (1968), concerning the teaching of the theory of evolution, the Supreme Court was even more explicit:

The state's undoubted right to prescribe the curriculum for the public schools does not carry with it the right to prohibit, on pain of criminal penalty, the teaching of a scientific theory or doctrine where that prohibition is based upon reasons that violate the First Amendment. It is much too late to argue that the state may impose upon the teachers in its schools any conditions that it chooses, however restrictive they may be to constitutional guarantees.

"In *Tinker v. Des Moines Independent Community School District* (1969), regarding constitutional guarantees concerned with students wearing black armbands:

It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.**

Thus, in these and other decisions the courts have spelled out the rights of teachers and students to freedom of expression. However, court rulings have never implied that communities, through their school boards, cannot impose certain restrictions on speech and action in the public schools and community colleges.

According to Oregon's Superintendent of Public Instruction,** "Academic freedom has never conferred upon teachers unrestricted license to seek to destroy in the minds of youth certain criteria of truth which are recognized as the basis of our free society, or to urge illegal or immoral acts.

"Academic freedom has no direct relationship to freedom of religious belief or the freedom of an individual to exercise his right of free speech. Whether or not I use a four-letter swear word in a public address is a matter of freedom of speech, responsibility, and good taste—it is not a matter of academic freedom.

The concept of academic freedom has two sides; the first side is freedom, but the second

*Excerpts from *Protecting Teacher Rights*, a National Education Association summary of institutional development. (See suggested references under "Action Ideas.")

**From a speech entitled *Academic Freedom in High Schools and Community Colleges*, 1969. (See suggested references under "Action Ideas.")

lines of inquiry

action ideas

School Board Watching. Arrange for students to attend a local school board meeting. Let each student choose one of the following ways to observe the board members in action:

- (1) Attend as a reporter and write up the proceedings as a news article.
- (2) Attend as a secretary and write up the proceedings as minutes.
- (3) Attend as an artist and draw what you see.
- (4) Attend as a cartoonist and draw an editorial comment on the proceedings.
- (5) Attend as a student and write a report on the proceedings.
- (6) Attend as a student delegate from your class and report back to the class on the meeting.

Resources

Guide for School Board Members in Oregon. Oregon School Boards Association. 1962. (Under revision) Available in district offices or State Library.

Patrick, John J. *Political Socialization of American Youth. Implications for Secondary Schools.* National Council for the Social Studies, Bulletin No. 3, 1201 Sixteenth Street, NW, Washington, D.C. 20036. \$2.50. (Paperback.)

supporting information

side, and the side which is frequently forgotten or overlooked, is responsibility."

Standards of Competent and Ethical Professional Performance, developed by the Oregon Teacher Standards and Practices Commission and adopted by the Oregon Board of Education in 1970, include the following statements related to the responsibilities of academic freedom. The competent educator shall:

Utilize information and materials that are relevant to his designated tasks

Encourage others to examine, hold, and express differing opinions or ideas

Show respect for and acceptance of others

Provide leadership and direction for others by appropriate example

Accept the right and responsibility of the school community to participate in the formulation of educational policy

Refrain from exploiting the institutional privileges of the profession to promote partisan activities

Protect the educational program from undesirable infringement

Recognize that a profession must accept responsibility for the conduct of its members, to understand that his own conduct may be regarded as representative and be willing to be adjudged by members of the teaching profession.

THE NATURE OF SCHOOL DISTRICT RESPON- SIBILITIES AND POWERS

There are several ways to organize a discussion of the levels of power and responsibility in public education. Division of authority can be discussed from the point of view of levels of government or of participants in the education enterprise:

- (1) Oregon voters elect legislators, the Superintendent of Public Instruction, and local school board members; have the power of initiative and referendum regarding legislative action; approve local, intermediate, and area education district budgets and bond issues.
- (2) The Legislative Assembly grants authority and allocates state resources.
- (3) The Oregon Board of Education sets minimum standards, licenses schools and teachers, administers state and federal funds, and provides statewide leadership.
- (4) Intermediate education district boards provide tax equalization, provide services to local districts as required by law or under contract, and act as boundary boards.
- (5) Local school district boards allocate local resources and, within legislative guidelines, employ teachers and other personnel, provide buildings and transportation; determine curriculum, instructional materials, and services; establish rules which govern student conduct, placement, and progress.
- (6) Superintendents, principals, and other administrators execute board policies.
- (7) Teachers organize learning experiences for students enrolled in the classes they teach, pass or fail students on the basis of such work, negotiate for employment benefits through a union or professional organization.
- (8) Students exercise no legal or direct power over educational content or process.*

However, it might be more meaningful to discuss powers and responsibilities in terms of which level of government has the authority to evaluate and revise basic decisions about education in the light of changing social conditions and needs.

INFLUENCES ON OREGON EDUCATION



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*A few high schools in Oregon are beginning to give students opportunities to take part in the decision-making process as members of curriculum advisory committees.

lines of inquiry

action ideas

Questions for Discussion: Why are all students required to take a certain number of courses from each of the so-called "academic fields?"

(1) Does each of these broad fields in fact involve distinctive ways of gathering and using valuable information?

(2) Do they pay off in terms of enhanced vocational efficiency and social mobility?

(3) Do they provide a common core of knowledge which makes it easier for people to understand one another and work cooperatively?

(4) Is "good character" in some ways a function of understanding how other people feel? Of learning to respect facts and processes of careful thought and expression? Of understanding how the American people became the kind of people they are? Do the required courses provide these insights?

Resources

Bruner, Jerome. *The Process of Education*. Vintage Books, New York, N.Y. 1963.

Krug, Edward. *Charles Eliot and Popular Education*. Bureau of Publications, Teachers College, Columbia University, New York, N.Y. 1961.

Ford, G.W., and Pugno, Lawrence. *The Structure of Knowledge and the Curriculum*. Rand McNally Paperback, Chicago, Illinois. 1964.

Benjamin, Harold. *Saber-Tooth Curriculum*. McGraw-Hill, New York, N.Y. 1939.

Mayer, Tom. "So You Want to Be a Dropout?" *The Atlantic Monthly*. November 1965.

Fantini, Mario D., and Weinstein, Gerald. *The Disadvantaged: Challenge to Education*. Harper & Row, New York, N.Y. 1968.

Hentoff, Nat. *Our Children Are Dying*. Viking Press, New York, N.Y. 1966.

Herndon, James. *The Way It Spozed To Be*. Simon & Schuster, New York, N.Y. 1965.

Kozol, Jonathan. *Death at an Early Age*. Houghton Mifflin, Boston, Massachusetts. 1967.

Mayer, Martin. *The Schools*. Harper & Row, New York, N.Y. 1961.

Schrag, Peter. *Voices in the Classroom*. Beacon Press, Boston, Massachusetts. 1965.

supporting information

WHO SHOULD ATTEND SCHOOL?

The legislature determines public policy concerning who must go to school and who is entitled to receive schooling at school district expense. In Oregon, the statutes require that any person between the ages of 6 and 21 be admitted free of charge to the schools of the district in which they reside, but parents of all children between the ages of 7 and 18 (who have not completed the 12th grade)* are required to send them to school, either public or private. The law is specific concerning exemptions to compulsory school attendance, requiring school districts to appoint attendance supervisors to enforce attendance requirements (intermediate education districts must perform this function for districts with less than 1,000 enrolled), and providing for trial and punishment of parents who do not comply. The law is equally specific concerning irregular attendance and excused absences.

Thus, local districts are given very little authority over admission of students or attendance requirements. The legislature has given local school boards authority to suspend or expel students (for one term only), but the Constitution, as interpreted by the courts, puts strict limitations on this authority by requiring that due process procedures be used in such disciplinary actions. (See "Framework of School District Government"

*In 1971, the law was changed to eliminate required attendance for those 16 to 18 who are employed full time, or attending a community college, or have the mutual consent of school administrators and parents to be withdrawn from school.

on preceding pages.)

The legislature has also given local school boards authority to exclude, with the concurrence of the Superintendent of Public Instruction, children who are mentally unable to benefit from instruction in the public schools. However, the legislature appropriates state funds to assist local districts in providing special programs for physically- or mentally-handicapped children and has given the State Board of Education authority to administer these funds. The Board approves and reimburses local district programs, provides special education in state institutions, sends teachers to the homebound, and establishes programs on a county or regional basis when this is considered more economical or effective. The Board also is responsible for cooperating with the State Board of Higher Education to recruit and train special education teachers.

Admittance to community colleges is restricted only by facilities and teachers available, and, as previously mentioned, one of the priorities of the Oregon Board of Education is to encourage establishment of area education districts that will place a community college within driving distance of every Oregon citizen.

Admission standards at all state-operated four-year colleges and universities are established by the Oregon State Board of Higher Education. Graduates of Oregon high schools must have a "C" average (2.0) for all institutions except for the fall term at Portland State University, the University of Oregon, and Oregon College of Education, where it is 2.25. Students who cannot meet this requirement can qualify with a satisfactory score on a standard college aptitude test or a "C" average for a full work load in a summer session. Admission requirements for out-of-state students are somewhat higher.

The State Scholarship Commission was created by the 1959 Legislative Assembly under ORS 348 to make available to qualified persons any financial aid placed under its jurisdiction. The commission determines qualifications of persons to receive scholarships; withholds financial aid if the recipient fails to maintain required standards; and guarantees loans by eligible lending institutions to students. It encourages the establishment of financial aid programs by private agencies and may negotiate with private and governmental agencies for the establishment of

financial aid programs. The Commission also administers the "Oregon Scholar Program," recognizing outstanding high school students, and coordinates all types of financial aid activities in Oregon.

The Governor appoints five commission members, with the consent of the Senate, for four-year terms.

WHAT SHOULD THE PUBLIC SCHOOLS TEACH?

Public resistance to writing curriculum into the statutes, where it becomes difficult to change and update, has always been high, and with a few exceptions, Oregon legislatures have refrained from doing so. Statutes do require the schools to provide:

- (1) Activities in observance of Arbor Day, Frances E. Willard Day
- (2) Courses of instruction on the Constitution of the United States
- (3) Instruction in ethics and morality, with special emphasis on honesty, obedience to law, respect for the flag, the Constitution of the United States, the Constitution of the State of Oregon, respect for parents and the home, etc.
- (4) Instruction as to the effects of alcohol and narcotics upon the human system
- (5) Instruction as to the inhumane treatment of animals

However, for the most part, authority over public school curriculum has been delegated by statute to the State Board of Education. The statute reads:

The district school board is responsible for carrying out the courses of study prescribed by law and by the rules of the State Board of Education.

Course Offerings. The Board has chosen to exercise this authority by establishing minimum standards for course offerings, content, and organization, which all districts must meet (or receive permission to modify). Standards adopted by the Board are based upon the recommendations of a School Standards Advisory Committee made up of Oregon school district administrators, teachers, and Oregon College of Education and state department specialists. These standards are enforced through

required offerings in oregon schools

ELEMENTARY SCHOOLS

JUNIOR HIGH

GRADES 1-2	3-4	5-6	7	8
50% of time* Arts of Communication Reading Listening Speaking Writing Composition Spelling Handwriting	35% of time Arts of Communication Reading Listening Speaking Writing Composition Spelling Handwriting Dramatics Foreign Language	20% of time Arts of Communication Reading Listening Speaking Writing Composition Spelling Handwriting Literature Foreign Language	Language Arts Social Studies Mathematics Science Physical Educa- tion and Health Industrial Arts or Homemak- ing General Music Arts and Crafts	Language Arts Social Studies Mathematics Science Physical Educa- tion and He Industrial Art Homemakin
30% of time Social Studies Science Music Arts and Crafts	20% of time Social Studies Science	20% of time Social Studies	ELECTIVES	ELECTIVES
10% of time Health and Physical Education Health Services	15% of time Health and Physical Education Health Services	15% of time Health and Physical Education Health Services	Instrumental Music Foreign Language	Instrumental Music Foreign Langu Arts and Craf Chorus Typewriting
10% of time Arithmetic	15% of time Arithmetic	15% of time Arithmetic		

* A suggested allocation of time.

** Board policy: In view of the high school's responsibility to all of its students, Algebra I should not be considered as a substitute for General Mathematics.

*** Board policy: Courses in chemistry and physics should replace Physical Science only after careful consideration is given to the needs and abilities of the students, physical facilities, and teacher competencies.

SENIOR HIGH SCHOOLS

9	10	11	12
English I World Today World Cul- tures (2-year sequence) General Science General Math or General Math and Math 3 (Algebra I) concurrently** Health & Physical Education	English II World History or World Cul- tures (2-year sequence) Biology Typing Health & Physical Education	English III U.S. History and Government Basic Math or Basic Math and Advanced Gen- eral Math concurrently	English IV Modern Prob- lems Physical Science***
ELECTIVES	ELECTIVES		
Instrumental Music Foreign Language Drama Industrial Arts and Home- making Speech and Drama Journalism Typewriting	Any subject listed in the SECONDARY GUIDE and offered at the prescribed grade level.		

STUDENTS ARE REQUIRED TO TAKE:

- 30 semester hours in English—language arts
- 20 semester hours in social studies
- 20 semester hours in health and physical education
- 10 semester hours in science
- 10 semester hours in mathematics
- 190 semester hours

Other subjects are elective except where prescribed by local school boards. Most Oregon schools go beyond the 190 required semester hours; some require up to 220 semester hours.

10 semester hours of credit must equal 145 clock hours of classroom instruction.

Questions for Symposia or Essay. Is there a fundamental conflict between the values and ideas that dominate the schools as against the values and ideas that one catches from exposure to television, the movies, the home, and peer groups?

(1) If so, should the schools encourage the acquisition of the values and ideas which apparently dominate these other educational agencies, or should the schools deliberately seek a "countervailing" function?

(2) How far should schools go in teaching children values that might be contrary to those of their parents?

(3) Should educators, by some form of regulation and public sponsorship, seek to revise the message which people get from television, for example?

(4) Is the "message" of the schools archaic—that is, appropriate only to an earlier generation?

Resources

An excellent student booklet (high school) on education is:

Seely, Gordon M. *Education and Opportunity: For What and For Whom*. Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1970.

Clark, Kenneth. *Dark Ghetto*. Harper and Row, New York, N.Y., 1965.

Coleman, James S. *The Adolescent Society: The Social Life of Teenagers and Its Impact on Education*. The Free Press, Glencoe, Illinois, 1961.

Coleman, James S. *The Adolescents and the Schools*. Basic Books, Inc., Publishers, 404 Park Avenue S., New York, N.Y. 10016, 1965.

McLuhan, Marshall. *The Medium Is the Message*. Bantam Books, New York, N.Y., 1967.

Schramm, Wilbur. *Television in the Lives of Our Children*. Stanford University Press, Stanford, California, 1961.

"Video Boy," *Time* magazine, January 26, 1968.

Colton, David L. *State Power and Local Decision-Making in Education*. American Educational Research Association, Los Angeles, California, February 8, 1969.

regularly scheduled standardization visits by teams of state department specialists to all school districts. The Board has established procedures by which districts must bring nonstandard aspects of their programs up to required standards or, according to law, forfeit their share of Basic School Support funds provided by the state. Prescribed courses of study and curriculum guidelines are regularly updated by the State Board and its staff and distributed to Oregon teachers and administrators through their intermediate education districts.

Most Oregon school boards and patrons have chosen to exceed minimum requirements in the educational opportunities they provide for students. Authority to determine the extent to which curriculum exceeds minimum standards rests entirely with local boards and taxpayers.

The extent to which teachers, students, and parents are systematically involved in curriculum planning and decisions that affect the instructional program of a school district depends entirely upon the policies established by local school boards. However, whether or not systematic effort is made to involve all segments of the community, quite often school boards are put under considerable pressure by special interest groups to add or delete specific courses or instructional materials, or to require or censor content within courses.

Intermediate education districts do not have the authority to operate schools, but they can provide special programs such as outdoor education, occupational education, or special education for handicapped children. School districts, usually those which are isolated or too small to provide programs to meet special student needs, can contract with IEDs to provide these programs on a regional or rotating basis. The Superintendent of Public Instruction has also encouraged community colleges to cooperate with secondary schools in admitting high school students to particular programs. In addition, IEDs are often authorized to apply for and receive federal funds for exemplary projects such as instructional media centers, migrant education programs, and instruction in computer and data processing.

Community college boards have authority to establish courses and programs in their colleges. However, the Oregon Board of Education must approve the content and instructors for all courses offered and, in addition, college transfer courses and instructors require the approval of the Community College Committee of the State System of Higher Education, if the community college is not formally accredited by the Northwest Association of Secondary and Higher Schools.

Graduation and Other Requirements. The State Board of Education establishes minimum graduation requirements, minimum standards for school libraries* and instructional materials, and the State Textbook Commission. Local school boards can select the books to be used in their district classrooms from lists of approved texts.

Textbooks. The Textbook Commission is a statutory board of five members, appointed by the State Board of Education, who "must be of recognized scholarship and professional standing and have been actively and continuously engaged in teaching or school supervision for the five years immediately preceding appointment." The commissioners adopt, for a six-year period, a multiple-choice list of textbooks and instructional materials for each grade and subject area in the standard curriculum for which, in their judgment, textbooks are required.

The commission schedules its adoptions on a rotating basis, covering three categories: (1) language arts; (2) art, homemaking, music, social

studies; and (3) business education, distributive education, foreign languages, history, science, and mathematics. It considers over 2,000 textbooks in each category and adopts around 132. Over 800 Oregon teachers and administrators are involved in the process of textbook evaluation.

WHO SHOULD CONDUCT EDUCATIONAL PROGRAMS?

State-Level Administration. Oregon's constitution, which requires the election of a Superintendent of Public Instruction, leaves the delegation of his powers and responsibilities for conducting Oregon's educational programs to the Legislative Assembly. In 1951 the legislature established the State Board of Education and put primary responsibility for planning and evaluation of public education in the hands of this Board.

In 1967 the Oregon Supreme Court was asked to hear a friendly suit to determine whether the Superintendent of Public Instruction, a constitutional officer, or the State Board of Education should have primary responsibility for establishing policies for Oregon's public schools. The Supreme Court ruled in favor of the State Board of Education because of its creation by the legislature, which is ultimately responsible for Oregon's common school system.

Statutes direct the Superintendent of Public Instruction to serve as the Board's administrative officer, to carry out the policies adopted by the Board, and to assume responsibility for decisions concerning the proper administration of school laws and State Board policies which "shall guide school officials and teachers in the performance of their duties."

Neither the constitution nor the legislature have established professional qualifications for the office of Superintendent of Public Instruction. He is elected to a four-year term on a non-partisan ballot. Statutes require that the seven members of the State Board of Education be appointed by the Governor, subject to Senate confirmation, for four-year terms. Board members must be residents of Oregon and cannot be engaged in school teaching or administration. One member must be selected from each congressional district and the remainder from the state at large. Each member is limited to two consecutive full terms after December of 1971.

*A 1971 law gives school districts authority to establish public libraries using existing school libraries.

OREGON
BOARD OF EDUCATION

SUPERINTENDENT
PUBLIC INSTRUCTION

Legislative Liaison
Interagency Liaison
Executive Officer

DEPUTY SUPERINTENDENT

State Board Secretary
Operations Officer

PLANNING & EVALUATION

Assistant Superintendent

Planning & Evaluation
Federal Programs
Coord. of Advisory Comm.
Institute for Ed. Mgt.

TEACHER
STANDARDS
PRACTICES
COMMISSION

SPECIAL & TEACHER EDUCATION

Associate Superintendent

School for the Blind
School for the Deaf
Special Education—Regional
Schools and Programs
Teacher Education and
Certification

OREGON
ASSN.
SCHOOL ADM.

PPBE
Commis

oregon board of education

staff relationships

1971-1972

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EXECUTIVE & LEGAL SERVICES

Information-Publications

Personnel

Hearings-Disputes-Legal Actions Elections

Intermediate Education District Relations

Non-Public School & College Relations

Community Relations

PROFESSIONAL
REVIEW
COMMITTEE

FAIR
DISMISSAL
APPEALS
BOARD

INTERGROUP HUMAN
RELATIONS COMMISSION

BUSINESS & SUPPORT SERVICES

Associate Superintendent

Auxiliary Services &
Interdistrict Coop.

Fiscal Services

Computer Services

Staff Support Services

COM. COL.
PRESIDENTS
COUNCIL

Elementary-
Secondary
School
Principals

INSTRUCTIONAL SERVICES

Associate Superintendent

Basic Education

Career Education

Instructional Technology

Student Services

TEXTBOOK
COMMISSION

lines of inquiry

action ideas

Textbook Review. Make a collection of the oldest textbooks you can find by borrowing from whatever sources you can find in your community. Let students inspect the books, read sections of them, compare or contrast the contents to textbooks used in schools today, and write a feature story for a newspaper on "Textbooks—Old and New."

supporting information

To conduct the administrative activities relating to statewide supervision and management of public elementary and secondary schools and community colleges, and the licensing of private vocational schools, the legislature has authorized the establishment of a State Department of Education. (See organization chart.) The statutes authorize the Superintendent of Public Instruction to appoint all members of the staff, subject to the approval of the State Board, biennial budget allocations of the legislature, and requirements of Oregon's Merit System Law. Professional members of the staff must have at least a master's degree, or the equivalent as determined by the Superintendent of Public Instruction, and several years of experience, usually in Oregon's public schools and community colleges.

State Board of Education policies and administrative rules require staff members to conduct almost all administrative activities with the advice and assistance of advisory committees appointed by the State Board and made up of representatives of the appropriate specialty fields among Oregon teachers, administrators, community college instructors, and college and university faculties. (See insert.)

Resources

Schools and Neighborhoods: Josh Gets A School. Film: 10 minutes, color, grades K-3. Josh learns that schools belong to people who pay for them. *\$4.50.

Cremin, Lawrence A. & Borrowman, Merle L. *Public Schools in Our Democracy.* The MacMillan Company, New York, N.Y. 1956.

*Audiovisual Instruction, Coliseum 131, Corvallis, Oregon 97331.

**OREGON BOARD OF EDUCATION
ADVISORY COMMITTEES & COMMISSIONS**

Administrative In-Service
Adult Education
Curriculum
Data Processing (computer-based activities)
Data Processing Occupations
Disadvantaged—ESEA Title I
Educational Audits
Environmental Education
Exemplary Programs—ESEA Title III
Instructional Television & Radio
Intergroup Human Relations Commission

Library—ESEA Title II
Local & State Government
Migrant Education
Personal Finance Education
Personnel Management
Planning, Programming, Budgeting, Evaluation Systems (PPBES)
Private Vocational Schools
Professional Review
Pupil Transportation
Student Services
Teacher Standards & Practices Commission
Textbook Commission
Vocational Education, Governor's Committee on

Local School Administration. Oregon voters retain the power to select the 2,032 board members who oversee the operation of educational programs in school, intermediate education, and area education districts. Although the legislature prescribes the number, terms, and

manner of election of district board members, the only qualifications prescribed by law are that candidates must be residents and voters of their districts.

The residents of local districts with a population of less than 300,000 can elect five board

members for five-year terms (one at each annual school election). Board members need only be qualified voters of their districts. A local district with 300,000 or more population (Portland) elects seven board members for four-year terms who must be citizens of the United States and of Oregon and residents of their districts for one year immediately preceding their election.

Administrative school districts* with less than 40,000 elect seven board members unless they are zoned, in which case they elect a member from each zone (five to nine zones are permitted). Administrative districts with a population between 40,000 and 300,000 (e.g., Beaverton, Salem, Eugene), elect seven board members.

Intermediate education district voters elect seven board members. The legislature has directed that IED's with less than 300,000 population be divided into from two to five zones, each of which elects a board member. The rest of the members are elected at large. IED's that embrace fewer than five local districts must elect one director

School Board Voting Zones Up for Ballot

By **CONRAD PRANGÉ**
Staff Writer, *The Statesman*

A measure to elect Salem School Board members from zones or wards will be on Salem's school election ballot on May 3.*

Under the proposal candidates for a board opening would all have to reside in the zone up for election that year. But the election would be district wide.

Petitions bearing signatures of more than 1,225 registered voters requesting the measure be placed on the ballot were filed this week with the district clerk by Mrs. Grace Thorp, representing an informal committee of lay citizens. The law requires 1,000 names, and the committee has several months to collect more if needed.

Once the signatures are certified as valid the measure auto-

matically goes on the ballot. It will be up to the seven-member Salem School Board to devise a system of dividing the school district into seven zones and to decide in what order they will come up for balloting.

If voters approve the measure it will become effective for the school election in 1973. A law passed by the 1968 Oregon Legislature and sponsored by State Rep. Jack Annunson, Salem, permits districts of Salem's size to elect by zone.

"Following the national trend to give more equal representation to all voters," said Mrs. Thorp Tuesday, "this measure is designed to insure equal representation on the School Board for all areas of Salem School District."

She said more than 50 Oregon districts now ballot with a zone system.

*Almost all of Oregon's unified districts are "administrative school districts" organized under the provisions of the Reorganization Act of 1957.

lines of inquiry

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action ideas

Knowing Public Officials. Your class might write a letter of invitation to any member of your school board inviting him to come and speak on how he sees his role as a public official. Be sure to include your name, your room number, the time your class meets. Do not pin him down to a day, but let him make the arrangements.

Ask someone from your Intermediate Education District office to speak to the class about services provided in your county.

Simulation. Simulate a school board meeting; a boundary board meeting; a budget committee meeting; a school election.

Zoning. Investigate how your district is zoned and why.

Resources

"Teachers From Abroad Take a Look at America," *American Education*, September 1966.

McDonald, Fredrick J. *Educational Psychology*. Wadsworth Publishing Company, Inc., Belmont, California. Stimulus words representing six categories, from Postman, Bruner, and McGinnies, which McDonald footnotes as: L. Postman, J.S. Bruner, and E. McGinnies, "Personal Values and Selective Factors in Perception," *Journal of Abnormal and Social Psychology*, 43 (1948), pp. 142-154.

Smith, Mortimer, Ed. *A Decade of Comment on Education*. Council for Basic Education, Washington, D.C. 1966.

supporting information

from each of these districts and the rest at large. Board members are nominated by petition and must be qualified to vote in the elections in which they are candidates. A 1971 law established four-year terms for all IED board members.

Voters of area education (community college) districts can elect seven board members to oversee the operation of education programs of their community college. Petitions to form the districts can specify whether or not board members will be elected from zones or at large. Board members must be residents of their districts (or zones) and qualified voters.

To run for election in local districts of less than 300,000 and in community college districts, board members must file, or accept, nomination petitions at least 30 days prior to the date of the election. Petitions for at-large positions must be signed by ten qualified voters, or three percent of the voters voting for the office of school director at the last annual election, whichever number is greater; however, no more than 50 signatures are required. If the district is zoned, petitions must carry the signatures of 25 qualified voters residing in the zone from which the director is to be elected.

Classroom Teaching. Responsibility for choosing those who actually conduct Oregon's educational programs is harder to pinpoint. Technically, the

authority to employ teachers and administrators rests with local school and community college boards. A board's power to choose is diluted, however, by the complexities of supply and demand—the willingness and ability of communities to provide satisfactory salaries and working conditions, the quality of teacher recruitment and education programs, the restrictions of state certification, and minimum standards, tenure laws, and merit pay systems.

Oregon's legislature has given the State Board of Education authority to exert some control over the quality of teachers available through accreditation of teacher education colleges* and through teacher certification standards. In 1965 the legislature created the Teacher Standards and Practices Commission and the Professional Review Committee to strengthen efforts to upgrade instructional quality in Oregon schools.

Another Viewpoint

What's a Teacher?

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Oregon's present system of teacher certification is an upside down funnel — narrow at the entrance, wide open at the exit. It needs to be turned right side up.

State Superintendent of Public Instruction Dale Parnell and Associate Superintendent Joy Hills Gubser acknowledged half the problem when they spoke recently at a joint meeting of the Board of Education and the Board of Higher Education.

They suggested that Oregon move as quickly as possible toward a system in which every applicant for a teaching certificate would spend a year as a teaching intern.

Receipt of the certificate would depend heavily upon evaluation of work done during that year. If the year's experience indicated that the prospect didn't have what it takes, he would not receive a license to teach even though he had completed college course requirements for an education degree.

Parnell stated the obvious argument in favor of this system: "It would result in qualifying teachers on a competency basis, rather than assuming that a person can teach just because he or she has been exposed to a given number of college courses."

Parnell is right, as far as he goes. It is foolish to assume that a person can teach just because he has spent a given

number of hours listening to college lectures. But there is a logical corollary of that idea: It is foolish to assume that a person can't teach just because he has not spent so many hours in the college classroom.

If the state really wants to license teachers on the basis of competence, it should relax its present requirements regarding the amount and type of college work completed.

The state can legitimately

An Editorial From The Eugene Register-Guard

demand that a teacher possess a certain level of knowledge in given fields, depending on what he is going to teach. But knowledge can be determined by tests. Why assume that the only way one can acquire knowledge is by spending time in college? Why not let anyone with the interest and a motivation take the tests that could determine this aspect of competence?

The state also can legitimately demand that a teacher possess the ability to perform the actual daily work of teaching. That ability can only be determined by real-life demonstration. This purpose would

be served well by the year of trial teaching proposed by Parnell and Mrs. Gubser.

The present system restricts the field of applicants to those willing to endure the required time in the required classes on campus. It then virtually guarantees that anyone who manages to achieve the status of applicant will receive a certificate.

It would make better sense to reverse this setup, to be less restrictive at the beginning and more selective at the end of this process. Such a reversal would enlarge the field of potential teachers, both in number and in variety of background and experience. And it would assure that certificates to teach would go to the best of the lot.

It is asking a good deal of those in education to take the lead in moving society away from its overemphasis on formal education as a job prerequisite. But teaching is one of the largest fields whose credentialing system has been skewed by this unfortunate characteristic.

Perhaps Parnell and Mrs. Gubser would not buy the amendment of their proposal offered here. Yet it is only a logical extension of their admirable stated desire to make competence the test for a license to teach.

Competence is not where you've been. It's what you can do.

January 31, 1971.

*It should be noted that in 1970-71 Oregon community colleges became involved in the recruitment and training of instructors from business and industry and needed to teach vocational classes in Oregon high schools and community colleges. Their

involvement has been encouraged by State Board policy and a \$64,000 federal grant under the Education Professions Development Act, which is administered by a state advisory committee and the State Board of Education.

action ideas

Understanding the role and status of the American teacher. Students might:

- (1) Survey other professions to ascertain existing similarities and differences: legal, medical, dental, business, industry, and political.
- (2) Survey beliefs about the status and role of teachers among: teachers, parents, students, people in the community, and people in much larger or smaller communities.
- (3) Construct a chart of the many roles of the teacher.

Visit other educational institutions to observe differences in the teacher's role and responsibility.

Resources

Guide for School Board Members in Oregon. Oregon School Boards Association, University of Oregon, Eugene, Oregon 97403. (Under revision.) 1962 edition available in district offices or the State Library.

West, Allan M. "What's Bugging Teachers," *Saturday Review*, October 16, 1965.

Fair Dismissal Standards of the Oregon Teaching Profession as Proposed by the Oregon Teacher Standards and Practices Commission. Teacher Standards and Practices Commission, Oregon Board of Education, 942 Lancaster Drive NE, Salem, Oregon 97310. 1970.

Hartley, William H., and Vincent, William S., "School and Colleges for Americans," *American Civics*, Chapter 18. Harcourt, Brace, and World, New York, N.Y., 1967.

supporting information

The State Board of Education is responsible for appointing the 16-member Teacher Standards and Practices Commission. Its members serve three-year terms and must have been actively engaged in teaching, supervision, or administering in Oregon public schools or approved teacher education institutions for the five years immediately preceding appointment. The commission has the legal authority to conduct studies and make recommendations to the State Board of Education concerning standards for issuance, suspension, and revocation of teaching certificates and standards for competent and ethical performance of teaching and administrative duties (see suggested resources). The commission has an executive secretary with an office in the State Department of Education.

The Professional Review Committee, established by the Teacher Tenure Law, provides a reservoir of 33 teachers and administrators from which the Superintendent of Public Instruction impanels a group of five who have legal authority to investigate and recommend action on disagreements arising from teacher dismissal by local districts operating under the tenure law.

The Fair Dismissal Law* of 1971, which applies to districts with 4,500 or more in ADM (and a few smaller districts which had tenure systems under the old tenure law), is designed to protect teachers against what the

*Formerly the Teacher Tenure Law.

Supreme Court has called "arbitrary or capricious" action by school boards.

(1) It requires district superintendents of common and union high school districts with average daily memberships of more than 500 students to conduct annual evaluations of teachers and maintain personnel records of specified contents for each teacher. Such files shall be open to inspection by the teacher concerned and each teacher is entitled to include his own explanation of an evaluation of his performance.

(2) It provides that all substitute teachers and teachers not under contract are entitled to meet informally with their district board to discuss the cause of dismissal and are entitled to be notified of board action on dismissal by March 15.

(3) It vests authority for temporary, immediate suspension of a teacher with the district superintendent, and vests authority for permanent dismissal of a teacher with the district board. It establishes "due process" procedures for dismissal.

(4) It creates a Fair Dismissal Appeals Board and prescribes review procedures and criteria.

This type of tenure law further dilutes school board authority to select school district personnel insofar as it inhibits the board's ability to replace poor teachers who have served in the district for three years or more and have violated no legal or ethical standards.

State Board standards concerning minimum number of teachers per school, class loads, and teacher-student ratios also curtail, in an indirect way, local board power to determine the nature of its teaching staff.

Finally, the size and wealth of a school district, and the willingness of its voters to provide funds for district operation affect, for obvious reasons, the ability of a school board to determine who should conduct its educational program.

WHAT NONINSTRUCTIONAL SERVICES SHOULD BE PROVIDED?

Except for guidance and health, authority to determine what services will be provided by a district is entirely in the hands of the school board. However, in most cases, once a decision to provide specific service is made, laws and administrative rules of the State Board of Education regulate the manner in which they must be provided.

If school lunch programs are operated, they are strictly regulated by the State Board of Health and State Board of Education. The state department administers the allocation of federal reimbursement and surplus food distribution to local districts.

If pupil transportation is provided at school district expense, such transportation must conform to numerous laws and rules governing its operation.

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THE GOOD OLD DAYS*

Manhattan elementary school teachers in 1872 were required to fill lamps, clean chimneys, and trim wicks each day; to bring a bucket of water and a scuttle of coal for the day's session; and to whittle pens carefully. Men teachers were allowed one evening each week for courting, or two evenings a week if they went to church regularly, but women teachers who married or "engaged in other unseemly conduct" would be dismissed. Every teacher was urged to lay aside from each pay a goodly sum of his earnings for his declining years so that he will not become a burden on society. The teacher who performs his labors . . . without fault for five years will be given an increase of 25 cents per week in his pay providing the board of education approves.

Half a century later, Idaho women teachers, in order to earn \$75 a month, were required to sweep the classroom floor daily, start the fire at seven in the morning, and wear at least two petticoats. They were forbidden to "keep company with men," get married; dress in bright colors; dye hair; use face powder, mascara, or lipstick; loiter in ice-cream parlors; smoke or drink; leave home between 8:00 p.m. and 6:00 a.m.; or leave town without permission.

If you left school today weary and discouraged, you may now decide that things might be worse. You *could* be paid in tallow and feathers and forbidden to engage in such unseemly conduct as getting married. Teaching isn't what it was in the good old days.

A Michigan teacher in 1827 signed a contract agreeing to "teach an orderly English school for the term of three months, such as spelling, reading, writing, and arithmetic to the best of his ability for the sum of one dollar in cash per scholar or one dollar and fifty cents in trade. Wheat at 40 cents per bushel, rye 30, corn 20, flaxseed 37½ per bushel, sugar and tallow at 6½ cents per pound, feathers and beeswax at 25 cents per pound."

Standards of preparation were correspondingly low and crept up so slowly that as late as the 1890's a fourteen-year-old with a sketchy education could teach in Nebraska. Elinor Bluemel, in her biography of Emily Griffith (later the founder of Denver's Opportunity School) tells how Emily obtained her first teaching position then:

When the teenager appeared as a candidate before the board members, one objected that she was too pretty to teach, but others persuaded him to try her. "Read something," he commanded. She did. "Spell vicissitudes." She spelled correctly, according to the speller he held. "Figger a problem havin' to do with barrels o' grain." She did. "Write on the blackboard." Emily wrote, "I would very much like to teach in your school."

"Humph," he snorted. "I don't like the way you make your esses." Emily made a different kind of "s" and was hired for the term.

In 1900, a Missouri high-school graduate could receive a contract to teach a six-month school year for \$30 a month, provided there is money enough.

lines of inquiry

All students should become aware (through research and discussion) of the various applications of the Bill of Rights to public school life (e.g., First Amendment impact on school prayers, student newspapers, picketing, etc.; possible application of the Fourth Amendment to locker searches; application of the Fifth Amendment to land acquisition; use of the Fourteenth Amendment as the basis for school desegregation and busing, etc.).

action ideas

supporting information

The State Board has set minimum standards regarding guidance and health services. Each school building is required to designate a staff member to coordinate health services, and every school must provide an organized guidance program. At the junior high and high school levels, counseling services must be available at a minimum ratio of one full-time guidance person or equivalent for each 400 students, with a minimum of two periods per day devoted to counseling activities.

Intermediate education districts have the authority and responsibility to provide health, guidance, testing, and many other services for students attending small or isolated schools which cannot provide such services on an individual district basis. School district boards can contract with IEDs for the services, or obtain them through resolution of two-thirds of the local district boards representing at least one-half the student population of the intermediate education district.

WHERE AND WHEN SHOULD EDUCATION TAKE PLACE?

Public School Education. Tradition plays a powerful role in decisions concerning the way in which public education should be carried on. For example, nothing in state law or State Board of Education rules and policies requires that schooling shall take place in a classroom or laboratory within

Resources

Hutchins, Robert M. "The Constitution of Public Education," *The Center Magazine*, July 1969. A publication of the Center for the Study of Democratic Institutions, 2056 Eucalyptus Hill Road, Santa Barbara, California 93103.

Hentoff, Nat. "Why Students Want Their Constitutional Rights," *The Saturday Review*, May 22, 1971.

Kaufman, Bel. *Up the Down Staircase*. Prentice-Hall, Englewood Cliffs, New Jersey, 1964.

Burrap, Percy E. *The Teacher and the Public School System*. Harper Brothers, New York, N.Y. 1960.

Allport, G.W., Vernon, P.E., and Lindzey, G. *Study of Values*. Houghton-Mifflin, Boston, Massachusetts. 1951 and 1961.

Erickson, Donald A. "The Plain People vs. the Common Schools," *Saturday Review*, November 19, 1966.

a school building. This decision is left to local and community college boards. However, only recently have educators and school boards begun to explore and implement other possibilities. Because Oregon districts have chosen to house their educational programs in school buildings and specially constructed facilities, there are fairly comprehensive and restrictive laws and regulations governing the construction and maintenance of such facilities.

The State Board of Education has established minimum standards concerning the number of days per year which school must be in session, but local boards have the authority to exceed the minimum (175 days) and to decide whether school will be held on a nine-month, year-round, or some other basis.

State Board standards define a traditional unit of credit as equal to 145 class hours or ten semester hours of credit. Within this framework local school boards may establish their own class schedules and the length of their school day.

Private and Parochial Education. One of the questions requiring continual clarification by the courts in the past few years concerns what role state and local governments should play in the regulation and support of nonpublic schools. The Oregon Board of Education is responsible for licensing private vocational schools and their salesmen and agents. An Advisory Committee for Private Vocational Schools, appointed by the board from among operators of such schools, develops standards for the schools.

However, there have been endless legal discussions and interpretations concerning state aid to church-related schools and the right of the state to operate schools as a public monopoly which all parents must pay taxes to support, whether or not they prefer to support parochial schools and send their own children to them.

The Oregon Constitution forbids state support of any religious institution (Article I, Section 5). U.S. Supreme Court rulings seem to fit two criteria:

(1) The state cannot give financial aid to religious schools or advance religious beliefs. All people cannot be required to finance a religious exercise that only some people want and that violates the sensibilities of others.

Students cannot be permitted to remain in the

public school for religious classes turned over to religious instructors. (McCollum, 1948)

The requirement of separation of church and state is more than treating all religious sects equally. It also means that there be no fusing of functions of government and religious sects. (McCollum, 1948)

The state cannot pay for students to attend a parochial school even in a town where no public high school exists. (Anderson vs. Swart, 1961)

The government cannot constitutionally finance a religious exercise such as recitation of a prayer in public school classrooms. "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is blamed." . . . The inevitable result would be to incur the hatred, disrespect, and even contempt of those who hold contrary beliefs. (Engle, 1962)

(2) However, the state *cannot hinder* the free exercise of religion and in fact should accommodate it.

The free loan of textbooks for students in parish schools served a public purpose, and therefore the use of public funds for that purpose is consistent with the "due process" clause. (Cochran, 1930)

Parochial school students may use public school buses because the state's power is no more to be used to handicap religion than it is to favor religion. (Everson, 1947)

Released time neither prohibits the free exercise of religion nor violates the "establishment clause" of the First Amendment. "When the state encourages religious instruction or cooperates with religious authorities by adjusting its schedule of public events to sectarian needs, it follows the best of our tradition." (Zorach, 1952)

"To hold that the state may not respect the religious nature of our people and accommodate the public service to their spiritual needs would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe." (Zorach, 1952)

The history of cases before the U.S. Supreme

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Court on this issue has indicated that the First Amendment to the Constitution does not prohibit a shared-time program.

However, it should be pointed out that "a decision of the Supreme Court of the United States holding that certain legislation is not in violation of the federal constitution is not an adjudication of the constitutionality of the legislation under a state constitution. In such a case, it is not only within the power of the state courts, it is their duty to decide whether the state constitution has been violated. State court views on the policy or interpretation of a particular constitutional provision do not always coincide with those of the Supreme Court of the United States."

Thus, many state courts, including Oregon's, have ruled that the expenditure of public funds for teachers, textbooks, educational equipment, and classrooms is clearly identified with the educational process and does not warrant the assumption made in the *Everson* case which upheld busing parochial students on grounds of providing protection from traffic hazards, that the expenditure is for the general welfare thus justifying the use of the state's police power. The Oregon court has said:

"Aid goes to groups rather than the individual components of any one group, and the eligibility of an institution to receive public aid would

seem to depend on which group it is classed in. (i.e., A church may receive police protection when classed as property, tax exemption when classed as a nonprofit institution, sewage connections when classed as a building.)

"Where the aid is to pupils and schools the benefit is identified with the function of education and if the educational institution is religious, the benefit accrues to religious institutions in their function as religious institutions. Granting that pupils and not schools are intended to be the beneficiaries of the state's bounty, the aid is expended to the pupil only as a member of the school which he attends.

The Oregon court unqualifiedly rejected the child-benefit theory upon which some courts have sustained free textbooks to parochial-school children.

However, the Oregon Constitution and courts have not prohibited shared-time programs and, in fact, an Oregon Board of Education policy states:

A pupil's religious beliefs shall be honored by excusing him without penalty at his parent's request from school attendance on his own official religious holidays. Also, upon a parent's request, school requirements or activities will be modified to accommodate an individual pupil's religious beliefs.

This leads to the third point of view from which the concept of shared time can be discussed—that which defines it in terms of parents enrolling their children in both state and parochial schools at the same time. Thus, decisions and arrangements are initiated by parents.

The U.S. Supreme Court has ruled that, "Parents may choose between sending their children to public schools or to private schools, and the First Amendment forbids the state to inhibit this freedom of choice by diminishing the attractiveness of either alternative."

HOW SCHOOL DISTRICTS ARE ORGANIZED

Local School District Organization. The organization of local school districts is usually defined in terms of grade levels (elementary, secondary) or student enrollments. For example, in 1970 Oregon classified its 356 local school districts as

follows:

153 were "unified" districts (including county unit school districts), providing education for grades 1 through 12.

27 were "union high school districts" (including county high school districts), providing education for grades 9 through 12.

144 were "elementary districts," providing education in grades 1 through 8, but forming component parts of a union high school district.

32 were elementary districts, responsible for education in grades 1 through 12, but contracting with other districts for the education of their high school students.

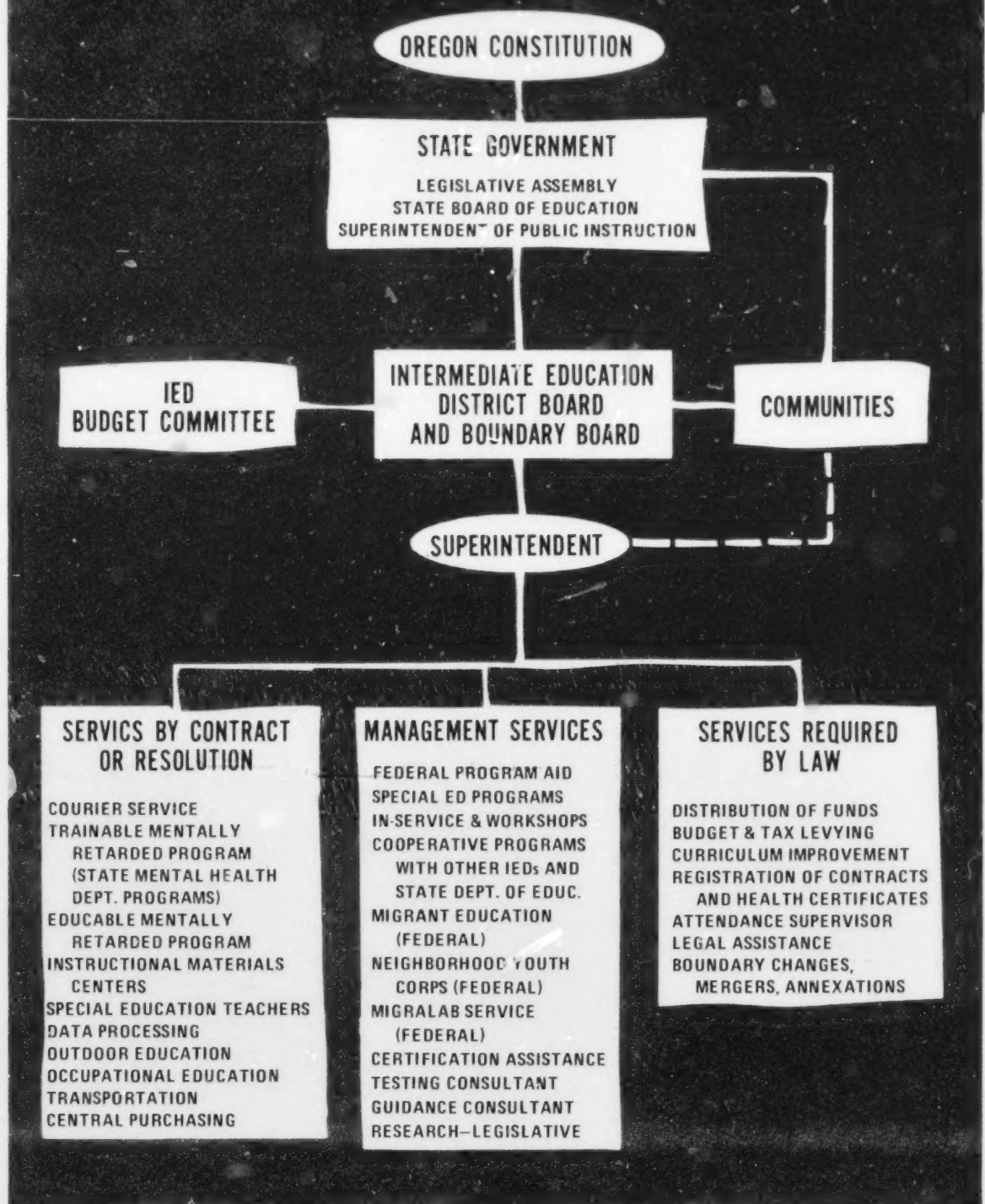
At the present time, 82 percent of Oregon's students attend school in unified districts. This percentage is slightly below the national average and, in all probability, the next major progress in school district reorganization in Oregon will revolve around unification of the 27 union high school districts with their 144 component elementary districts, and subsequent annexation or consolidation of the remaining 32 elementary districts. The main arguments for organizing all school districts into unified districts are that: (1) dividing the administration and operation of educational programs between two different boards and school "systems" is economically wasteful and makes it difficult to provide continuity in the curriculums of elementary and high schools, and (2) parents who live in elementary districts that contract for high school education cannot participate in elections carried on by the high school districts in which their children are educated.

STATISTICS COMPARING SCHOOL DISTRICT SIZE RELATIONSHIPS, 1967-68

Student enrollment (grades 9-12)	84	591	1,743	3,068
Tax valuation per student	\$36,335	\$73,242	\$27,699	\$31,289
Number of units (courses) offered	29	45	95	185
Student-teacher ratio	10-1	19.6-1	21.9-1	21.9-1

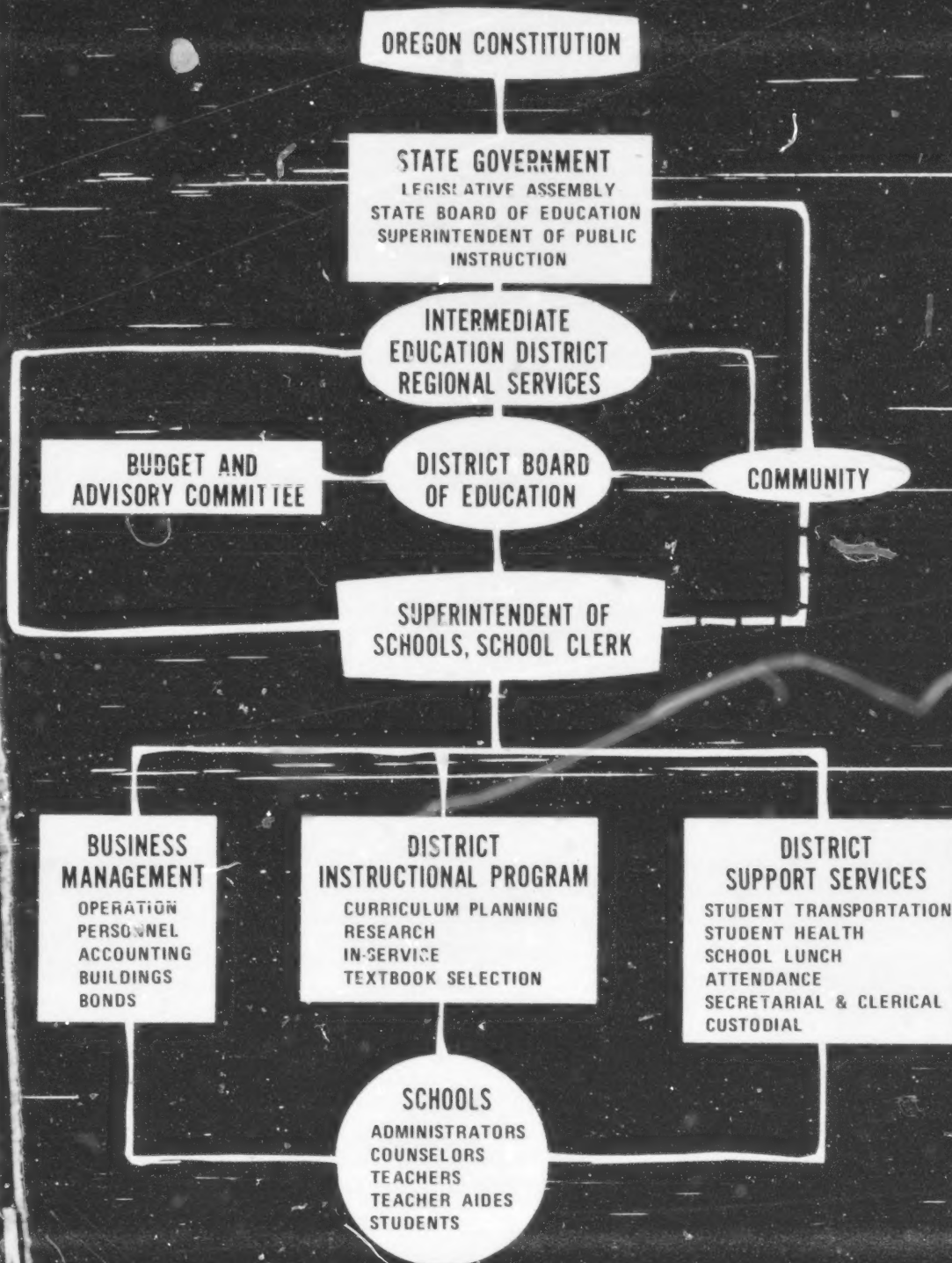
intermediate education district organization*

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*This is a generalized chart of the way in which IED functions are organized. Many Oregon IEDs do not offer all of the services listed. Many offer services not specifically listed here.

school district organization



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appendix

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FISCAL AFFAIRS QUIZ*

Who's In Charge of Fiscal Affairs?

What can I do to get my property assessment reduced?

When do I have to pay my taxes?

Why can't our garbage be collected more often?

How does our town buy its trucks?

1. Is there a department of finance which coordinates all fiscal activities in your town? _____
2. If so, what official is in charge? _____
3. How is he selected? _____
4. If there is no finance department how are the financial matters of your local government administered? _____
5. How does the authorized official, treasurer or other, determine in which banks to deposit local government funds? _____
6. Is there a municipal assessor? _____ Is he appointed or elected? _____
7. How often is property assessed? _____ How is valuation determined? _____
8. What is the relationship between assessed value and market value? _____
9. Who prepares your town's budget? _____
10. Who reviews it and who administers it? _____
11. Are there public hearings? _____ Have you ever gone to one? _____
12. Who has the power of appropriation in your town? _____
Who, if anyone, may shift budget items? _____
13. What was the total cost of operating your local government last year? _____
Per capita cost? _____
14. Who collects property taxes? _____ Excise taxes? _____
15. Is a maximum rate of property taxation set either by the state constitution or by acts of the state legislature? _____
16. What kinds of bonds is your local government allowed to issue? _____
17. What percentage of popular vote, if any, is needed to pass bond issues? _____
18. Are regular audits made by a city auditor, or by independent firms, or by the state? _____
19. Is there a central purchasing department for your town? _____
20. Are bids received on an open competitive basis with specifications? _____

POLITICS QUIZ*

Who Is In Charge Here? "When it comes right down to it, we *are*—you and I and all our friends and neighbors. It has been said that people get the kind of government they deserve. So if we think some improvement is indicated, it's up to us to get the ball rolling. Every step of the way presents an opportunity for the average citizen to do something about our government." . . . "Who's in Charge Here?" League of Women Voters of Indianapolis.

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1. How do you become a voter? _____
Where do you become a voter? _____
2. When can you register? _____
3. Does your city have permanent registration? _____
4. Are there any restrictions to registration in your city? _____
a) Literacy test? _____ b) Poll tax? _____ c) Other? _____
5. Do you have absentee voting? _____
6. How can you join a political party? _____
7. Where can you join a party? _____
8. When can you join a party? _____
9. Can you change your party affiliation? _____
10. How do you change your party affiliation? _____
11. Where do you change your party affiliation? _____
12. When do you change your party affiliation? _____
13. Can you vote in the local primary if not enrolled or registered in a party? _____
14. What requirements are necessary for you to vote in a general election? _____
a) Residence in state? _____ b) In community? _____ c) Other? _____
15. How are your local candidates nominated? _____
16. Where? _____ When? _____
17. How does an independent get his name on the ballot? _____
18. Are your local parties' committee members _____ or _____?
elected appointed
19. By whom? _____
20. When? _____

*From *Do You Know the ABC's of Your Town's Government?* League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036. September 1963.

LOCAL GOVERNMENT QUIZ*

Who's In Charge Here? Who will fix the chuckhole in front of the school?

Who's to blame for water in the basement after a heavy rain?

Whom do I call if my dog is missing?

What do I do to get a traffic light at the school corner?

Is there a public nursing service in my town?

What can I do about the riverbank and how nasty the water smells?

Which court will try a case involving a business debt?

How can I get on a list for jury duty?

A. THE POWER TO GOVERN

1. What is your local legislative body called? _____
2. How many members are there? _____ And how many can you name? _____
3. Do you elect them? _____ Or are they appointed? _____
4. If they are elected, is it by districts? _____ Or at large? _____
5. If elected, on partisan basis? _____ Or nonpartisan? _____
6. If on a partisan basis, how many members at present are Democrats? _____
How many Republicans? _____ Third Party? _____
7. What is their term of office? _____ Salary? _____
8. How often does this legislative body meet? _____
Where? _____ When? _____
9. If the meetings are open to the public, do you and your friends ever go to them? _____
10. How does the legislative body report to the public on its activities and decisions? _____
11. What does your local legislative body do? _____
Adopt a budget? _____ Pass local ordinances? _____

B. THE POWER TO ADMINISTER

12. Do you have a single executive officer? _____ What is his title? _____
13. Is he elected or appointed? _____
14. If he is elected, what is his party (currently)? _____
15. If he is appointed, who appoints him? _____
16. Does he initiate policy? _____
17. Does he have appointing power? _____
18. What are his duties? _____
19. Is it a full-time job? _____
20. What is his salary? _____

*From *Do You Know the ABC's of Your Town's Government?* League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036. September 1963.

C. LOCAL GOVERNMENT DEPARTMENTS

1. What departments does your city government have? _____
2. Which departments are headed by elected officials? _____
Which by appointed officials? _____
3. How many department heads can you name? _____
4. Can you name their parties? _____
5. Have you ever visited any of their offices? _____
6. Are there official advisory boards or commissions? _____
To whom are they responsible? _____
How are the members selected? _____
7. Is there a merit system in operation in your city government? _____
8. Is there a civil service commission? ____ Who acts as personnel officer? ____

9. How are municipal salary scales set? _____
How recently have they been revised? _____
10. Who is responsible for managing and maintaining municipal property? ____

11. Which officer is in charge of recording deeds and other public documents? ____

12. Does your local government issue an annual report? ____ How is it distributed to the public? _____
13. In what other ways is the public kept informed on your local government's plans and policies? _____
14. Are there special districts other than school districts set up within or partly within your municipality; e.g., special assessment districts, improvement districts? _____
15. Does the state exercise control over special districts? _____
16. Are there municipal services administered by officials of another local government unit; e.g., county, special district, township? _____
17. Are any city-county departments consolidated, such as city-county health departments? _____
18. Is your local government part of a metropolitan area association? _____
Are there metropolitan citizens' councils or advisory groups? _____
19. Has annexation of fringe or unincorporated areas been used to any extent by your local government? _____
20. How is annexation accomplished? _____

PLANNING AND ZONING QUIZ*

Who's In Charge of Community Development?

Can I build a chicken coop and a rabbit run for my pets?

Can I keep my riding horse on our residential property?

What can I do to protest a zoning change in my neighborhood?

Can I convert a large old house into apartments?

What can we do to get more parking space in the business section?

Are we ever going to get any more parks and recreational areas?

How can our town get a public swimming pool?

Is our town trying to bring in more industry?

Will the new throughway skirt our town?

Will we ever have an airport?

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1. Does your town have a central planning agency or commission? _____
2. If so, what does it do? _____
3. Is there a citizens' advisory committee on planning? _____
4. Have you ever attended a Planning Commission meeting? _____
5. Is there a professional planning staff? _____ Or are professional consultants used? _____
6. Is there a master plan based on comprehensive land-use recommendations? _____
7. Is there an open-space program? _____
8. Are there citizens improvement associations in your town? _____
9. What role do they play in municipal planning? _____
10. Has the planning authority made any recent special studies on population trends in your locality? _____ Economic trends? _____ Industrial growth and relocation? _____ Highway and parking problems? _____ Mass transportation? _____ Public buildings? _____ Others? _____
11. Who in your local government has the power to zone? _____
12. What land-use ordinances are in effect in your city? _____
13. Does your town have zoning controls on height, size, and uses of buildings? _____
14. How are zoning ordinances drawn up? _____
15. How are they enforced? _____
16. How often are they reviewed? _____
17. Are citizens given an opportunity to be heard before zoning regulations are adopted or reviewed? _____
18. How are zoning appeals handled? _____
19. How frequently are exceptions in the Zoning Code made? _____
20. Do you know of any instances where zoning changes have greatly lowered nearby property values? _____

*From *Do You Know the ABC's of Your Town's Government?* League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036. September 1963.

ECONOMICS QUIZ*
A Pretest of Student Tax Knowledge

1. Our state and local taxes are higher than those of any other western state.
True
False

Answer: False. In the 1968-69 tax year, Oregon state and local taxes amounted to \$387 per person. For the other states, this was reported in the Oregon Department of Revenue Biennium Report for 1968-70 as follows: California, \$540; Nevada, \$466; Wyoming, \$414; Washington, \$410; Arizona, \$387; Oregon, \$387; Colorado, \$386; Montana, \$351; Idaho, \$328; Utah, \$327; New Mexico, \$324.

2. Oregonians pay more state and local taxes per dollar earned than those who live in Washington, California, or any western state.
True
False

Answer: False. In 1968-69 tax year, Oregon local and state taxes ran 11.8 cents per dollar of personal income. This was lower than any other western state except Washington. The U.S. Department of Commerce Governmental Finances in 1968-69 year reported: California, 13.7 cents; Wyoming, 13.2 cents; Arizona, 13.0 cents; Idaho, 12.6 cents; New Mexico, 12.1 cents; Nevada, 12.0 cents; Montana, 12.0 cents; Utah, 11.9 cents; Colorado, 11.9 cents; Oregon, 11.8 cents; and Washington, 11.6 cents.

3. Generally speaking, the Oregon income tax goes to the State of Oregon, while Oregon property taxes go to local government.
True
False

Answer: True. Local governments of all kinds get about 54 percent of their revenue from the property tax. The State of Oregon gets no property tax revenue. About 31 percent of state-local income comes from the income tax; 28 percent comes from federal government; and about 15 percent comes from special sales taxes on gasoline, cigarettes, liquor profits, etc.

4. About one-tenth of a total tax dollar—federal, state, and local—goes to people who are on public welfare.
True
False

Answer: False. In 1969, about six cents of a total tax dollar—federal, state, and local combined—goes to public welfare.

5. Imagine an Oregon family with two children, both in grade school. They have an annual property tax of \$500. About \$340 of this goes to local public schools. Is this \$340 enough to keep their children in school for:
a. 12 weeks or one-third of the school year?
b. 24 weeks or two-thirds of the school year?
c. 36 weeks or all of the school year?

Answer: It costs about \$790 to keep a child in school for one year. About \$535 of this comes from the property tax. The rest comes from other sources. This works out to about \$1,070 in property tax money for the two children. The family paid \$340 or about one-third of the total.

6. The property tax is unfair because homeowners have to pay it, while people who rent go tax free.
True
False

Answer: False. Because renters may not write the check that pays the tax, they do pay the property tax when they pay their rent. A part of what they pay to the landlord (about two to three months rent each year, in fact) goes for property

*Originally prepared for television by the Oregon Council on Economic Education. Updated for this handbook by the Oregon Department of Revenue, 1971.

taxes, just as part of what they pay goes for wear and tear on the property, for fire insurance, for other bills the landlord has to pay, and for profits on his investment.

7. If Jones earns five times what Smith earns:
- Should Jones pay the same taxes as does Smith?
 - Should they both pay identical taxes on their earnings?
 - Should Jones pay more than five times what Smith pays?

Answers here are in relation to the fairness tests of the various kinds of taxes. A good point for lively discussion.

8. If Jones actually earned \$30,000 and Smith \$6,000, what would their federal income tax bills be?
- Jones about the same as Smith?
 - Jones about five times as much as Smith?
 - Jones about 15 times as much as Smith?

Best answer: Jones would pay about 14 times what Smith pays.

9. If Jones and Smith own homes, what would you think their tax bills might on the average be?
- Both about the same?
 - Jones would pay about double what Smith paid?
 - Jones would pay more than five times as much as Smith?

On the average, Jones would pay about three times the taxes paid by Smith.

10. If Jones had five times more than Smith in total income and they lived in a sales tax state:
- Would their relative tax bills be about the same?
 - Would Jones pay about double what Smith paid?
 - Would Jones pay at least five times as much as Smith?

On the average, Jones would pay about three times the taxes paid by Smith.

11. Oregon has about 2,000,000 people and these make up about 725,000 living units. How many homeowners do we have?
- One hundred thousand?
 - Three hundred thousand?
 - Five hundred thousand?

Answer: According to the 1970 census, there are 457,017 owner-occupied units.

12. Of Oregon's 725,000 living units, what percentage of them would have incomes below \$3,000?
- Less than 50,000 units.
 - About 100,000 units.
 - Over 150,000 units.

Answer: There is estimated to be 120,000 units in this category.

13. Of Oregon's 725,000 living units, what percentage of them would have incomes below \$5,000?
- Less than 150,000 units.
 - About 200,000 units.
 - More than 250,000 units.

Answer: It is estimated to be about 110,000 units.

14. If these homeowners with low incomes are assisted in paying their property taxes, what sources of revenue would we prefer?
- Income tax.
 - Sales tax or excise tax.
 - Let other taxed property pick up the balance.

Answer: One resorts to study of fairness, etc., for answers.

SCHOOL QUIZ*

Who's In Charge of Schools?

Where do my parents complain if I can't read?

When are we going to get a new school in our neighborhood?

Who hires the teachers in my child's school?

How much do I pay for public school education?

1. Is your local school board elected or appointed? _____
2. If appointed, who has the appointing power? _____
3. If elected, is the election partisan or nonpartisan? _____
4. Do you and most of your friends vote in school board elections? _____ On school bond issues? _____
5. Do many people in your town attend school board meetings? _____ School budget hearings? _____
6. Do your school board members receive salaries or their remuneration for their services? _____
7. Does the school board publish an agenda before the board meetings and the minutes afterwards? _____
8. Does your school board make long-range studies and plans? _____
9. What fiscal powers does your school board have? _____ Adoption of budget? _____ Levying taxes? _____ Contracting debts? _____
10. What opportunity do you have to influence your school budget? _____
11. What proportion of your local tax dollar is spent for schools? _____
12. What was the average pupil expenditure in your school district last year? _____
13. How does the total school-age population of your town compare with five years ago? _____
14. Is the school building program based on projected needs? _____
15. How is new building construction financed? _____
16. What is the local salary scale for teachers? _____
17. How do teachers' salaries in your community compare with those in other towns of your area? _____
18. Are provisions made for teaching physically handicapped children? _____
19. Mentally retarded children? _____
Gifted children? _____
20. Have you any idea what percentage of the school children of your town go to private and parochial schools? 10% _____, 15% _____, 20% _____

*From *Do You Know the ABC's of Your Town's Government?* League of Women Voters of the United States, 1730 M Street, N.W., Washington, D.C. 20036, September 1963.

OREGON STATE LIBRARY SCHOOL LIBRARY SERVICES

How to Obtain Service. The State Library provides supplementary service to schools for materials not available in their school or public library. Direct service is given to schools with a *fulltime librarian*. If the librarian teaches nonlibrary classes, requests should be given to the local public library. Schools in areas not served by a city or county library may also request directly, with one person designated as a librarian by the principal.

Schools eligible for direct service should request and complete an application card before borrowing. New applications are not necessary if the school administrator and the librarian are the same as last year.

Limitations on Service. Multiple copies of the same title cannot be supplied nor do we lend periodicals of the last three years indexed in the *Abridged Readers Guide*.

Stack Permits. Stack permits will be issued to librarians who wish to come to the State Library to pick up their own material.

Library Hours. Monday through Friday, 8 to 5.

Request Forms. Send all requests on the printed State Library forms supplied without charge to registered schools.

Loan Period, Renewals. State Library books are available on four week loans. Due to the pressure of demands for service, renewals cannot be granted. A minimum of two working days should be allowed to process requests.

Transaction Cards. Leave the *transaction card* in the book pocket. It is very important that the transaction card remain in the book at all times during the loan to insure correct maintenance of our loan records and to credit you with return of the book.

Postage & Mailing. Postage is paid by the State Library on material sent to the school and return postage is paid by the borrower. The return mailing label, enclosed in each package, entitles the school to the special library postage rate. Postage rates are 5 cents for the first pound and 2 cents for each additional pound or fraction thereof.

Send requests by First Class Mail. Postal Regulations do not permit enclosing them in books being returned.

School & Leisure Reading. All school personnel and students should submit requests through the school librarian for material for school assignments. Material for leisure reading can be borrowed through the local public library or if free library service is not available, individuals may also send requests to the State Library.

CITY COUNCIL GAME*

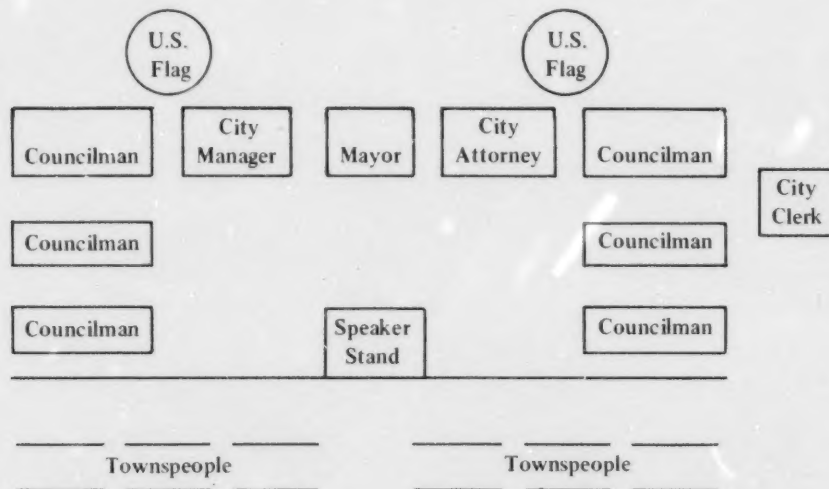
Students assume the roles of mayor, city manager, city clerk, six councilmen, and numerous townspeople in a public hearing in which an issue is discussed and townspeople with varying interests may express their opinions. The councilmen listen to all arguments. At the end of the game the councilmen vote to pass or defeat a new ordinance.

The game takes place in the council chambers at the city hall. A class should play it at least twice. The first time will clarify how to "play." The second time will run more smoothly and will probably include more sophisticated arguments. Other council meetings could follow, if desired, to argue different issues.

Students should sit facing the class in the order shown below and should have stand-up names of their roles visible to the rest of the class. Other children in the class are townspeople.

Children should be told that it is something like a play. They will have a chance to speak and may say things they think townspeople might say.

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The teacher may want to explain the meaning of these words or phrases before playing the game:

Ordinance—a law which a city council may vote to have.

Proposed ordinance—a law they are thinking of making.

Whereas—a word attorneys use and often put in laws.

Be it hereby resolved—it is being decided now.

Prohibit—not allow

Running at large—running loose

Violation—when a law is broken

Subject to a fine of not more than \$25—may have to pay a fine of \$25 or less.

Part of the scenario for the first game is detailed here. In further games children would preplan the issue and the reports.

MAYOR: The meeting of the City Council will come to order. Today we will talk about dog control. We have to decide whether to have a new ordinance that would require that all dogs be tied up or kept in a fenced yard or be on leash all the time. This is a public hearing on this issue. City Manager, do you have some reports?

CITY MANAGER: Yes, Your Honor, we have reports from the police department, the humane society, and the post office. The Chief of Police is here to make his report; I have written reports from the humane society and the post office.

*Designed by Frances Harris, Elementary Consultant, Vancouver Public Schools, Vancouver, Washington, September 1968.

- MAYOR: May we have the report from the police department.
- CHIEF OF POLICE: We have received five telephoned complaints about dogs digging in neighbors' gardens. We have had one complaint from a school that there were three dogs chasing kindergarten children on the school playground.
- MAYOR: City Manager, please read the report from the humane society.
- CITY MANAGER: The humane society report says, "We have had two calls saying that dogs were running loose, seeming to be hungry and not belonging to anyone."
- MAYOR: City Manager, please read the report from the post office.
- CITY MANAGER: The post office report says, "Many of our mail carriers have trouble with dogs barking and bothering them. One postman was bitten on the leg last week. We think all dogs should be tied up while we are delivering mail."
- MAYOR: City Attorney, do you have a sample ordinance prepared?
- CITY ATTORNEY: Yes, Your Honor, I have. It reads like this: "Whereas the people of _____ have experienced problems with dogs running at large in the community be it hereby resolved that the City Council of _____ prohibits dogs from running at large in the streets or on the sidewalks. In the event of a violation of this ordinance the owner shall be subject to a fine of not more than \$25."
- MAYOR: You have heard the proposed ordinance. Now anyone may say what he thinks about it. First we will hear arguments townspeople want to make *for* this new ordinance. Then we will hear arguments *against* it. The members of the council will listen carefully to all these arguments. Then the councilmen may say what *they* think. Then one of the councilmen may make a motion that we pass or defeat it. Then the council will vote. Now, who wants to speak *for* this ordinance?

The mayor calls on townspeople who are for the ordinance to state their reasons, then those against it. This can be terminated at any time if the class period necessitates stopping. The council members may vote to decide the issue and end the game. Ideally, all possible arguments should be heard, the councilmen should listen and then express their opinions. One should finally move to pass or reject the ordinance. Councilmen vote by saying "yes" or "no" as roll is called by the clerk.

The second time this simulation game is played, probably the same issue should be re-enacted because of the possibility of substantial improvement in the routines and arguments. For future games the following issues are suggested.

- (1) Shall there be a regulation about riding bicycles on sidewalks?
- (2) Shall the city buy and burn down some old houses in an old part of town in order to make a park? If so, where can they get the money?
- (3) What can be done about a dangerous street crossing near a school? (Consider traffic lights, an overpass, new sidewalks.)
- (4) Regulation of sale or ownership of BB guns.
- (5) Shall there be a curfew for teenagers?

CHECKLIST FOR ANALYZING LOCAL GOVERNMENT*

GOVERNMENT STRUCTURE

Score

My municipality has an up-to-date city charter. (Yes equals 30 points)

My municipality has complete, up-to-date codified municipal ordinances.
(Yes equals 30 points)

FINANCE

Score

My municipality has a comprehensive accounting system covering all operations. (Yes equals 20 points)

My municipality adopts a comprehensive annual operating budget covering all operation prior to the beginning of the fiscal year, allowing ample time for deliberation, review, and hearing. (Yes equals 20 points)

My municipality has a capital budget or long-range capital improvements plan, revised annually. (Yes equals 20 points)

My municipality employs an accounting firm or CPA to conduct an independent audit of all transactions. (Yes equals 20 points)

My municipality has had or is undertaking a program of tax equalization.
(Yes equals 20 points)

My municipality had tax collections on current property tax levy of:

Over 98% (20 points)

Between 95% and 98% (15 points)

Between 90% and 95% (10 points)

Less than 90% (0 points)

My municipality uses the following sources of revenue:

Taxes (5 points)

Fines, forfeiture, & penalties (5 points)

Licenses and permits (5 points)

Interest from invested funds (5 points)

Grants-in-aid (5 points)

Changes for current services (5 points)

Special assessments (5 points)

PERSONNEL

Score

My municipality has an established personnel policy or ordinance covering various personnel matters such as salaries, promotions, separations, etc. (Yes equals 20 points)

My municipality has or is in the process of establishing:

A position classification plan (10 points)

A pay plan (10 points)

My municipality uses the following recruitment procedures in selection of personnel:

Advertisement (5 points)

Testing (5 points)

Interviews (5 points)

Employee qualifications list (5 points)

My municipality provides training opportunities for the following employees:

Administrative (10 points)

Fire (10 points)

Police (10 points)

Public works and utilities (10 points)

*Developed by the United States Jaycees.

FIRE PROTECTION

Score _____

The classification of my municipality is:

- | | |
|---------------------|---------------------|
| Class 1 (50 points) | Class 6 (25 points) |
| Class 2 (45 points) | Class 7 (20 points) |
| Class 3 (40 points) | Class 8 (15 points) |
| Class 4 (35 points) | Class 9 (5 points) |
| Class 5 (30 points) | Class 10 (0 points) |

In my municipality the fire department is well organized and supervised. (Yes equals 20 points) _____

In my municipality the department is established by ordinance and under the jurisdiction and control of the governing officials. (Yes equals 20 points) _____

In my municipality the fire department apparatus and equipment would be described as: _____

- | | |
|-----------------------------|-------------------------------|
| Fully adequate (20 points) | Average (10 points) |
| Fairly adequate (15 points) | Less than adequate (0 points) |

In my municipality, percentage of municipal firemen who have had professional training is: _____

- | | |
|-------------------------|--------------------------|
| 90% or more (25 points) | 25% to 50% (10 points) |
| 75% to 90% (20 points) | Less than 50% (5 points) |
| 50% to 75% (15 points) | |

POLICE PROTECTION

Score _____

The number of police employees per 1,000 population in my municipality is: _____

- | | |
|-------------------------|--------------------------|
| 2.0 or more (15 points) | 1.0 to 1.5 (5 points) |
| 1.5 to 2.0 (10 points) | Less than 1.0 (0 points) |

The percentage of police employees who have had professional training in my municipality is: _____

- | | |
|-------------------------|--------------------------|
| 90% or more (20 points) | 25% to 50% (5 points) |
| 75% to 90% (15 points) | Less than 25% (0 points) |
| 50% to 75% (10 points) | |

The police department of my municipality maintains: _____

- Complaint reports (20 points)
- Offense reports (15 points)
- Arrest & identification records (10 points)
- Traffic records (5 points)
- No records (0 points)

Are monthly and annual reports made to the FBI? (Yes equals 10 points) _____

PARKS & RECREATION

Score _____

In my municipality park and recreation facilities are provided: _____

- Through an established department or agency (20 points)
- Through a citizens committee or some other community group (10 points)
- There is no agency, committee, or group responsible for providing recreation services (0 points)

My municipality spends: _____

- | | |
|--|-------------------------------------|
| \$5 to \$6 per capita for parks and recreation facilities and programs (35 points) | |
| \$4 to \$5 per capita (30 points) | \$1 to \$2 per capita (10 points) |
| \$3 to \$4 per capita (25 points) | Less than \$1 per capita (5 points) |
| \$2 to \$3 per capita (20 points) | |

The recreation program in my municipality is: _____

- Diversified full time, year-round, reaching all citizens (15 points)
- Partial year-round program plus summer playgrounds (10 points)
- Limited summer program (5 points)
- No program (0 points)

Recreation areas and facilities in my municipality comprise: _____

One acre or more per 100 people (15 points)

A few parks plus use of school facilities and areas (10 points)

Some playgrounds, little or no equipment (5 points)

No areas or facilities (0 points)

PUBLIC WORKS

Score

In my municipality the percentage of streets with permanent pavement is: _____

80% to 100% (20 points)

40% to 60% (10 points)

60% to 80% (15 points)

Less than 40% (5 points)

In my municipality the percentage of paved streets with curbs and gutters is: _____

80% to 100% (10 points)

20% to 40% (3 points)

60% to 80% (8 points)

Less than 20% (0 points)

40% to 60% (5 points)

In my municipality the percentage of streets with adequate storm drainage is: _____

90% to 100% (10 points)

25% to 50% (3 points)

75% to 90% (8 points)

Less than 25% (0 points)

50% to 75% (6 points)

In my municipality preparation of construction plans and performance of construction work is done under the supervision of a registered engineer. (Yes equals 20 points) _____

In my municipality the construction of new streets is governed by subdivision regulations which contain ample right-of-way and street specifications. (Yes equals 20 points) _____

In my municipality easily read street name signs mark the intersections of: _____

Almost all of the streets (20 points)

About half (10 points)

Less than half (0 points)

In my municipality the provisions for off-street parking spaces in the business districts are: _____

Fully adequate (20 points)

About adequate (15 points)

Less than adequate (6 points)

SANITATION

Score

In my municipality refuse collection is performed on a regularly scheduled basis. (Yes equals 10 points) _____

In my municipality refuse collection in residential sections are: _____

Twice a week (10 points)

Once a week (5 points)

Less than once a week (0 points)

In my municipality refuse collections in business sections are: _____

Daily (10 points)

Once a week (3 points)

Three times a week (8 points)

Less than once a week (0 points)

Twice a week (5 points)

In my municipality an ordinance specifying minimum requirements for refuse containers is rigidly enforced. (Yes equals 20 points) _____

In my municipality refuse disposal is accomplished: _____

By incineration (10 points)

Open dump (0 points)

Sanitary landfill (10 points)

In my municipality streets in business districts are cleaned: _____

Three times a week (20 points)

Once a week (10 points)

Twice a week (15 points)

Less than once a week (0 points)

In my municipality streets in residential areas are cleaned: _____

Twice per month (10 points)

Less than once per month (0 points)

Once per month (5 points)

INSPECTIONS AND CODE ENFORCEMENT**Score**

My municipality has adopted and is currently enforcing:

A standard building code (with local modifications) (5 points)

An electrical code (5 points)

A gas code (5 points)

A plumbing code (5 points)

A minimum housing ordinance (5 points)

A fire prevention code (5 points)

My municipality employs an enforcement officer to enforce the code through issuance of permits, inspections, either independently or in conjunction with the county. (Yes equals 30 points)

UTILITIES**Score**

In my municipality maximum daily capacity of the source of water supply:

Is 50% in excess of peak domestic consumption (40 points)

Exceeds by 25% (20 points) Less than 10% (0 points)

In my municipality the daily capacity of the water plant is:

50% above daily demand (40 points)

75% to 50% above (30 points)

10% to 25% above (10 points)

Less than 10% above (0 points)

In my municipality the distribution system meets the following requirements:

Eight inch mains for fire hydrant supply in mercantile and manufacturing sections. (30 points)

Six inch mains in residential and other sections. (30 points)

Mains cross-connected at intervals not exceeding 600 to 800 feet. (20 points)

In my municipality hydrants frost proofed and spaced 500 feet in mercantile and 800 feet in residential areas (Yes equals 20 points)

In my municipality percentage of water services through meters:

100% (20 points)

50% to 75% (5 points)

90% to 100% (15 points)

Less than 50% (0 points)

75% to 90% (10 points)

In my municipality water main extensions are in accordance with an established policy as follows:

Ordinance or resolution (10 points)

No policy (0 points)

Informal unwritten policy (5 points)

In my municipality the quality of water is:

Soft (5 points)

Noncorrosive (5 points)

Palatable (5 points)

Clear (5 points)

Nonstaining (5 points)

SEWERAGE**Score**

In my municipality the sewerage system serves:

Almost 100% of the incorporated areas (20 points)

About 75% (15 points)

About 25% (5 points)

About 50% (10 points)

Less than 25% (0 points)

In my municipality the percentage of residences or businesses connected to the sewerage system is:

100% (20 points)

50% to 75% (5 points)

90% to 100% (15 points)

Less than 50% (0 points)

75% to 90% (10 points)

In my municipality there are:

No outside toilets (10 points)

Outdoor toilets (0 points)

In my municipality there are no surface drainage connections with the sanitary sewerage system. (Yes equals 15 points)

In my municipality all sewerage is treated in accordance with the State Health laws. (Yes equals 20 points)

PLANNING

Score

In my municipality:

An active independent municipal planning commission exists. (20 points) _____

An active joint city-county planning commission exists. (20 points)

A planning commission has been established but is not active. (5 points)

There is no planning commission. (0 points)

In my municipality economic base, population, and land use studies are in process or have been completed. (Yes equals 15 points) _____

In my municipality the following plans have been adopted: _____

Land use plan (15 points)

Major thoroughfare plan (15 points)

Community facilities plan (15 points)

None (0 points)

(Capital improvements plan and budget covered under section on Finance.)

Comprehensive subdivision regulations have been adopted and are enforced. (Yes equals 15 points) _____

In my municipality a comprehensive zoning ordinance has been adopted and is being enforced. (Yes equals 15 points) _____

COMMUNITY APPEARANCE

Score

In my municipality a weed control ordinance is: _____

Well enforced (10 points)

Sometimes enforced (5 points)

No control over weeds, vacant lots (0 points)

In my municipality the approaches to my city are attractive: _____

All are (15 points)

A few (5 points)

Most (10 points)

None (0 points)

Junk yards are screened from public view: _____

In all areas (15 points)

In few areas (5 points)

In most areas (10 points)

None (0 points)

URBAN FRINGE

Score

In my community, either county or joint city-county planning commissions are conducting studies and developing sound plans. (Yes equals 30 points) _____

In my community subdivision regulations are being enforced within the fringe areas. (Yes equals 20 points) _____

If yes, these subdivision regulations include: _____

Engineering (10 points)

Sidewalks (10 points)

Street grading (10 points)

Curbs and gutters (10 points)

Street paving (10 points)

Water mains (10 points)

Storm sewers (10 points)

Sanitary sewers (10 points)

In my community zoning regulations have been adopted and are being enforced within the fringe area. (Yes equals 20 points) _____

In my community the municipality has pursued an aggressive and sound program of annexation. (Yes equals 30 points) _____

ECONOMIC DEVELOPMENT

Score

In my community a local organization, group or committee is responsible for industrial location efforts. (Yes equals 25 points)

In my community the staff of this group is as follows:

Full-time paid executive (20 points)

Part-time executive (10 points)

Permanent office, no staff (5 points)

No staff (0 points)

In my community data on industrial sites, community facilities, etc., has been or is in the process of being published in a handbook, brochure, folder, or flyer. (Yes equals 20 points)

In my community prospect solicitation is carried on as follows:

Mail campaign (5 points)

Telephone calls (5 points)

Personal contacts (5 points)

None (0 points)

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